

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 28, 2020

FOLEY: Good morning, ladies and gentlemen. Welcome the George W. Norris Legislative Chamber for the thirteenth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Rodney Hinrichs of Reaching the Unreached in Lincoln, Nebraska, a guest of Senator Clements. Please rise.

RODNEY HINRICHS: I thank you for the opportunity to come and pray for you this morning. I do have your pictures on the wall and every morning I lay hands upon you and pray for you that God's wisdom and discernment will be with you. Let's pray. Father God, who art in heaven, your name be made holy in Nebraska. We pray for your wisdom to lead these men and women to be wise in your wisdom to lead your people. We ask you, Father, to bless these, your leaders, with an understanding heart in all discussions. Keep division and disharmony out of the hearts and minds so we may move forward in unity and harmony in the Nebraska families. Give wisdom as education of our youth is deliberated. Give wisdom in discussions of our prison work. Give discernment in spending and saving so we may keep a balanced budget. Bless all the committee meetings so what is helpful for our people is on the heart of every committee. Father God, destroy lies and false reports. Keep a spirit of truth to prevail in these walls. These leaders have been commissioned to serve the Nebraska people. Guide them with dreams and visions so our state is prepared, is equipped to overcome in problems that will face us in future days. We thank you, Lord Jesus, that one of your names is Emmanuel, which signifies that you are with us. May your peace, which passes all understanding, keep our hearts and our minds in Christ Jesus' name we pray, Amen.

FOLEY: Thank you, Pastor Hinrichs. I call to order the thirteenth day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President,

FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

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ASSISTANT CLERK: There are, Mr. President, notice of committee hearings from the Education Committee. In addition, Senator Kolterman offers LR305. The Legislature congratulates McCool Junction Public Schools for receiving 2019 NebraskARTS award. That will be laid over. That's all I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Bostelman would like us to recognize Dr. Aaron Lanik of Wahoo, Nebraska, who is serving as today's family physician of the day. Dr. Lanik is with us under the north balcony. Doctor, please rise, so we can welcome you and thank you for being here today. Thank you. Mr. Clerk, we'll now proceed to the first item on the agenda, legislative confirmation reports.

ASSISTANT CLERK: Thank you, Mr. President. The Health and Human Services Committee reports on the gubernatorial appointment of Gary J. Anthone as the Chief Medical Officer and Director for the Division of Public Health under the Health-- Department of Health and Human Services.

FOLEY: Thank you, Mr. Clerk. Senator Howard, you're recognized open on the confirmation report.

HOWARD: Good morning, colleagues. This morning, I am bringing you the confirmation report on the recently appointed Chief Medical Officer and Director of the Division of Public Health, Dr. Gary Anthone. His appointment was advanced from the Health and Human Services Committee with a unanimous vote. Dr. Anthone has lived in Nebraska for all but 15 years of his life. He graduated from Burke High School in Omaha, then moved to Kansas for undergrad at Benedictine, where he majored in biology and minored in chemistry. He returned to Nebraska to complete his graduate and medical degrees at Creighton University. He became a specialist in surgical procedures. He trained in England, became a research fellow in general surgery at Johns Hopkins Hospital, and was recruited to the surgery team at the University of Southern California. Dr. Anthone spent 12 years at USC, both as an assistant professor of surgery and then as an associate professor of clinical surgery. During that time, he won four teaching awards for outstanding teacher, both in the classroom and in the operating room. While teaching at USC, he also became chief of surgery at the VA outpatient clinic in Los Angeles. While at USC, he began working with morbidly obese patients and began USC's bariatric surgery program. He began specializing in surgery for morbidly obese patients. He returned to Nebraska to become the director of bariatric surgery for Methodist

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Hospital in Omaha from 2003 to 2016. After that, he opened a private surgical practice in Omaha while also teaching at the Creighton University Department of Surgery. He was appointed as the chief medical officer and Director of Public Health for the state of Nebraska on September 3, 2019, and has been serving in that capacity since then. When asked what his goals would be as Chief Medical Officer for the Division of Public Health, he first mentioned the team around him. He praised their talent, motivation and accomplishments and looked forward to what they could all accomplish in the future. He noted that the Division of Public Health touches every citizen in the state through promoting clean air and water, disease control, overseeing healthcare facilities coordinating natural disaster medical relief, and in many other ways, either in the prevention of illness or the treatment of it. Personally, I did ask him about the 407 process, which is where-- excuse me, could I get a gavel?

FOLEY: Members, please come to order.

HOWARD: Thank you, Mr. President. Personally, I did ask him about his views on the 407 process and his role in it, which is one of the-- the leading ways that the Legislature speaks with our Chief Medical Officer, and he was-- he really understood that process, which gave me a lot of comfort. I also think Dr. Anthone's confirmation couldn't come at a better time, when we're really starting to think about syndromic surveillance and epidemiology, in light of even things like the Corona virus coming to America. And so I would urge the-- his confirmation today, and I would remind you that the committee adopted his confirmation unanimously. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Senator Williams.

WILLIAMS: Thank you, Mr. President. And I stand, as a member of the Health and Human Services Committee, in full support of the confirmation of Dr. Gary Anthone. I was impressed not only with his resumé, but in conversations that he had and his willingness to come around to each of us and talk to us ahead of the confirmation hearing. I also was impressed with his three initiatives that he talked about. Healthy pregnancy and childhood diseases, being sure that Nebraska is a leader in preventing and creating those ideas. Also, his idea to reduce obesity, he has specific work in that area when he was at University of Southern California in his practice there, and also promoting a healthy aging process. So I would encourage the body to

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vote green on the confirmation of Dr. Gary Anthone. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Senator Howard, you're recognized to close on the report. She waives closing. The question before the body is the adoption of the confirmation report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of the committee report.

FOLEY: Confirmation report is adopted. Moving to the next report, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. The Government, Military and Veteran Affairs Committee reports on the gubernatorial appointment of Robert Phillip Saban to the Nebraska Tourism Commission.

FOLEY: Senator Brewer, you're recognized open on the confirmation report.

BREWER: Thank you, Mr. President. Good morning, colleagues. At our 22 January hearing, the committee heard from Robert Saban, who is-- who was appointed by Governor Ricketts to serve on the Nebraska Tourism Commission. The committee heard that Mr. Saban had a number of experiences. He's the general manager of the Hilton in Omaha and worked with the Metro Hospitality Association. He also had other-- many other roles in tourism and at hospitality. The members of the committee, voting unanimously on his confirmation, recommend a green vote on his appointment to the Nebraska Tourism Commission. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator Brewer, we're going to take this up as two separate votes. The--

BREWER: You want me-- you want me to go ahead with the Emergency Response then after we vote?

FOLEY: No, let's-- let's hold off-- let's hold off on that. We'll just take the first-- first report first.

BREWER: Roger.

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FOLEY: Discussion is now open the first of the two confirmation reports from the Government Committee. I see no discussion. Senator Brewer, would you care to close? He waives closing. The question for the body is the adoption of the confirmation report, the first of two from the Government Committee. Those in favor of vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of the confirmation report.

FOLEY: Confirmation report is adopted. Second confirmation report, Senator Brewer.

BREWER: Thank you, Mr. President. Our public hearing, again, was on 22 January. Government Committee heard from five people appointed to the State Emergency Response Commission, the SERC. These included: Mr. Kyle Keeling, who is the-- is a HAZMAT expert with Union Pacific Railroad; Mr. Rod B., who is the 30-year member of the Gretna Fire Department; Ms. Tonya Ngotel, a current-- so this will be be a reappointment-- member of the SERC and is a public health expert with the Center for Preparedness Education in Omaha; Ms. Kimberly Plouzek, who is also a current member of the SERC and a member who works with the Army National Guard; and Ms. Polly Jordening. Again, this will be another reappointment to the SERC, and she is a member and-- with corporate safety management in Hastings. After the hearing, we Execed and had a unanimous vote to support the confirmation of these five appointments to the SERC. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Any discussion on the second confirmation report from the Government Committee? I see none. Senator Brewer, you can close if you care to. He waives closing. The question for the body is the adoption of the second confirmation report from the Government and Military Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of confirmation report.

FOLEY: The second confirmation report from Government Committee has been adopted. Mr. Clerk.

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ASSISTANT CLERK: Mr. President, the Natural Resources Committee would report on the gubernatorial appointment of James W. Hawks to the Environmental Quality Council.

FOLEY: Senator Hughes, you're recognized to open on the first of your two confirmation reports.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I present for your approval the reappointment of James Hawks to the Environmental Quality Council. Mr. Hawks came before the Natural Resource Committee on January 22. The Environmental Quality Council was created by the Legislature in 1971 as a public body that adopts rules and regulations for the Department of Environmental Quality to administer. The council consists of 17 members who are appointed by the Governor to serve staggered four-year terms. Mr. Hawks is from North Platte and has been the city administrator of North Platte for the past 17 years. He holds professional licenses in civil engineering and land surveying, among others. He looks forward to serving another term on the Environmental Quality Council. Mr. Hawks is involved in a number of community and statewide leadership organizations. Among those, he is a board member of the Nebraska Board of Examiners for Land Surveyors, and also the Nebraska Municipal Power Pool. Mr. Hawks is a commissioner on the Nebraska State Highway Commission. He is very involved-- involved in his community as well. He is filling one of the municipal government positions on the council. The committee advanced Mr. Hawks's reappointment by an 8-0 vote. I ask for your confirmation of James Hawks to the Environmental Quality Council. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Is there any discussion on the confirmation report? I see none. Senator Hughes, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption confirmation of the confirmation report.

FOLEY: The confirmation report is adopted. Senator Hughes, you're recognized to open on your second confirmation report.

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HUGHES: Thank you, Mr. President. Members of the Legislature, I present for your approval the appointment of Jane-- of Jeff Kanger of Nebraska Environmental Trust Board. Mr. Kanger came before the Natural Resource Committee on January 23. This is a new appointment for Mr. Kanger, and he will be the District 1 representative on the board. Mr. Kanger lives in Lincoln and is the executive vice president of First State Bank. He has been in the bank since 2011. He developed a passion at a young age for the outdoors and its natural resources. As an urban Omaha kid, he was lucky to have been mentored and introduced to western Nebraska, the outdoors, to hunting and things he still has a passion for today. Mr. Kanger has an impressive resume, which includes holding a juris doctorate degree from the University of Nebraska College of Law. He serves on the Board of Public Accountancy and is a member of the Nebraska Bankers Association. The Nebraska Environmental Trust was established in 1982 to conserve, enhance, and restore the natural environments of Nebraska. It was created at the conviction that the prosperous future is dependent upon a sound, natural environment, that Nebraska could collectively achieve real progress on real environmental issues if seed money was provided. The trust especially seeks projects to bring public and private partners together collaboratively to implement high-quality, cost-effective projects. The trust values projects that leverage private investment in conservation and emphasize long-lasting results. The committee advanced Mr. Kanger's appointment by an 8-0 vote. I asked for the confirmation of Jeff Kanger to the Nebraska Environmental Trust Board. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Discussion is now open on the confirmation report. Senator Clements.

CLEMENTS: Thank you, Mr. President. I'm familiar with Jeff Kanger. He's a banker in the Lincoln area and I've known him for a number of years. I don't know about his really environmental work with the outdoors, but I know him as a banker who is well-respected and I have had good experience with Mr. Kanger and I support his confirmation. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Is there any further discussion? I see none. Senator Hughes, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in

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favor of vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the confirmation report.

FOLEY: The confirmation report is adopted. Moving now to the agenda to motion to re-refer. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Wayne would move to re-refer LB1046 to the Urban Affairs Committee pursuant to Rule 6, Section 2(a).

FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on your motion.

WAYNE: Good morning, colleagues. Thank you, Mr. President. I rise in this body what I feel is an error in referencing on LB1046 related to community antenna television service. Rules of the Legislature, specifically Rule 3, Section 4(e)(i) provides that-- (i)(e)(1) provides that Referencing Committee shall review each bill and refer the bill to the appropriate committee. The rules go on to define what appropriate committee is, as a committee that has subject matter jurisdiction over the issue and has traditionally handled the issues. Colleagues, in both instances, Urban Affairs has handled this issue in particular. While the statute governing community antenna and television service have not been updated since 1970s, historically, any bills since then have-- that were dealing with this issue have always gone to Urban Affairs. In fact, LB1046 was heard by the Referencing Committee. Our Revisor of Statutes told the committee that it was, in fact, a historical practice and the committee ignored their advice. More importantly, colleagues, both of our referencing guide and literally the website of our Legislature clearly, plainly, and unambiguously identifies community antenna television service as a subject matter under the jurisdiction of Urban Affairs. If you look at the handout I distributed, and I put a whole bunch of arrows helping people to understand if they can't read what we're looking at, it says community antenna television service. And at the top of that page you see Urban Affairs Committee. I can't make it more plain and simple than this. And when you look at the front page of the bill, and if you don't have a green copy, pull it up on your Internet or you can-- I'll share mine, but literally on the front page it says community antenna television service, not once but twice, that it deals with this

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section and it relates to this section, not once but twice. I have the utmost respect for Senator Friesen and the members-- and the members on the Referencing Committee, but in this case, they clearly got it wrong. I know there's going to be arguments today about small cells and other things that Urban-- that Transportation Committee has had in the past couple years. But let me tell you a little bit about occupation taxes. Occupation taxes have historically either went to Urban Affairs or Revenue. So I have no problem if the argument goes that this bill should be in Revenue, because when you read it, it clearly deals with taxes. But to put it in Transportation makes no sense. Now Urban Affairs has also dealt with occupation taxes since Senator Hilgers and I have got in this body: 2017, Senator McDonnell, LB597, occupation tax dealing with municipalities, came to Urban Affairs; 2019, LB445, occupation tax-related, came to Urban Affairs. This is plain and simple language that we read every day when trying to decide where, what jurisdictions committee has. I can't be more clear about it. But I also will note, I've talked to Chairwoman Linehan and said I understand if it goes to Revenue, because it's taxes. And just because you'll hear Senator Hilgers say we dealt with franchise laws regarding small cell, just because you throw the word, franchise, does not move it out of a jurisdiction between Revenue or Urban Affairs. It just doesn't. That makes no sense because I'll give you another example. This year, this committee, Referencing Committee, took Senator Briese's LB1175, which dealt with amusement taxes on amusement games, and that was a bill brought by Senator Lathrop last year, if you recall, BankShot, that was in General Affairs, but because now we're taxing that item, it is in Revenue. The only other logical place Senator Briese's bill could go is to General Affairs, because that's where we've done the work on that issue. Not only that, it's part of his jurisdiction. But we-- it makes sense to have it in Revenue because it deals with the tax. So the only two logical places this bill should go is to Urban Affairs or to Revenue. While I can't file a motion on behalf of Revenue, I do have an amended motion up here in case this body thinks it should go to Revenue, but it sure shouldn't go to Transportation. This makes no logical sense unless it's a political game or a way to move this thing forward. How I feel about the bill is irrelevant. I read the bill last night. It's a simple read. It's only two pages. How I feel about it is irrelevant. It's the jurisdiction of the committee which this should go to, which is the clear, plain language. And for any attorney to get up on this microphone and not follow the plain language is disingenuous, because that's what we do every day in our occupation, is we follow the plain

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language of the law. And you say, well, this is a guide. Absolutely. But if the guides no longer mean anything, then let's just spend the rest of this session re-referencing the tons of bills that can go anywhere. We dealt with this the first year I was here with Senator Chambers bringing motions for the board, and we continually said, over and over and over, the guide should prevail, the guide means something, and I'm asking you to uphold that same standard today by moving this to Urban Affairs. Thank you.

FOLEY: Thank you, Senator Wayne. Debate is now open on the motion. Senator Friesen.

FRIESEN: Thank you, Mr. President. Thank you, Senator Wayne. We're going to have a good discussion on this, this morning. Appreciate your thoughts there. If you look, originally, I think it was probably referenced to-- from staff to Revenue Committee. The Referencing board obviously thought it should go to Transportation and Telecommunications, and that's where it was sent. So if you look at what we've done in the past years and how the industry has changed, that, at some point in time, whether our referencing rules lay something out, they are a guideline, but they need to be changed and updated with the times. The video marketplace has-- has changed a lot in the recent years and it's evolved into something that's totally different than it was at one time. The TNT Committee is best positioned right now to review that competitive landscape where video service is now being provided by cable, satellite, telephone, wireless companies. Community antenna TV does not exist anymore. State law in this area was written in the '60s and '70s before modern cable television came to-- came to be, before Congress passed the federal laws governing cable TV. And that's why the definition of community antenna television service in LB1046 references back to the definition of cable service in the Federal Telecommunications Act. The Federal Telecommunications Act outlines how cable companies and cities interact with each other. Enacted in 1984 and amended in 1992, the Federal Telecommunications Act is a federal authorization for the franchise fee at issue in LB1046. The Federal Communications-- Communications Commission, FCC, updated its rules in August to clarify what cable companies are included in franchise fees. During the negotiations on the small cell and cable industry raised concerns about competitive advantage that the bill gave to the wireless industry. So LB1046 is a continuation of that discussion on competitive environment in the telecommunications field. The small cell bill was obviously referenced and negotiated in the

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Transportation and Telecommunications Committee. Last year, Senator Vargas, his bill, LB550, dealing with municipal taxes on wireless services, was referenced to the Transportation Committee. So this isn't an error. This is a change in times that we're seeing. The communications industry has changed tremendously since now all three of the different services offer all three services. It's different. And at this point, when you look at what communications committee deals with, tele-- you know, Transportation and Telecommunications, this fits in with that. And so I will argue that it belongs in Transportation and Telecommunications and it should remain there. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Before proceeding, we have some guests to be recognized today. We have ten members of the Nebraska Cattlemen Young Cattlemen's Conference Class of 2019 visit with us today. They're from all across Nebraska up in the north balcony. Could those members please rise so we can welcome you to the Nebraska Legislature. Continuing discussion on the motion, Senator Hilgers.

HILGERS: Thank you, Mr President. Good morning, colleagues. I rise in opposition to the motion to re-reference, and I'm going to talk about the reasons why I believe that this bill was properly referenced to the Tran-- the Transportation Committee. In addition, I'm going to address every single one of the points that Senator Wayne raised. He and I have had a good conversation before today, and I think every single one of his points I'll rebut. Either they're not true or they're overly stated. So here's why this should go in the Transportation Committee. Senator Wayne is exactly right, and let's start where we agree. We agree with what the rules say. The rules do say that we should go where the issue has been traditionally held. That's one of two factors that you could consider. Well, what is the issue? You've got to read the bill. This isn't a one-line-- a question with a one-liner, it is a question of the what the bill does. Well, I'll submit to you, colleagues, this bill deals with one side of a two-sided coin that deals with one big issue, and that is what should be the regulatory and tax parity for telecommunication services in the state of Nebraska. Now, for the last three years, the Telecommunications Committee probably, if not the number one, if not-- it would be a top-three issue that we have decided and dealt with, hours of conversation with stakeholders, hours of committee hearings, hours of conversation among the committee, is one side of that coin, and that was a small cell bill. That allowed-- that streamlined, if you recall, this-- the Legislature last year passed that bill. That

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streamlined the ability of wireless telephone companies to provide 5G high-speed Internet, which allowed them to compete in a way that essentially create a substitute, a competing product for something that cable companies always have provided, which is video television. Now the-- the key question that we dealt with was, should we have two competing products that have-- that are not-- do not have parity from a taxing and regulatory perspective, because in the small cell instance it's provided over an Internet line, and that's not taxed, but there's a franchise fee on the cable side. And so what we did last year, over the last three years, the culmination of three years of work, is we decide-- we passed the small cell bill and streamlined that process. The other side of that coin, colleagues, is the bill that's before us in LB1046. It now deals with the franchise side, which directly implicates the issue that we have been debating and discussing and dealing with over the last three years in the Telecommunications Committee. This absolutely should be in that committee. From a policy perspective, that's true; from a legislative economy perspective, that is true. We talk about in the era of term limits when we want to ensure that we can build up and utilize the expertise that we develop on committees, and we're saying now that over-- after three years of developed expertise coming from the-- the conversations, the committee hearings and the like, that we're just going to transfer it to another committee? No, this belongs in the Telecommunications Committee. Now let me start to go through some of Senator Wayne's points, because I think some of them are either overstated or are not correct. One was, and it was very-- it was very interesting how he phrased it. He-- he talked about how the Referencing Committee didn't follow the advice of the Revisor. You may have caught that in his opening statement. I want to be very clear for the record and for everyone here this morning, the Revisor does make a recommendation, but the Revisor did not recommend Urban Affairs. When we had a discussion on this bill, LB1046, in the Referencing Committee, no one brought up Urban Affairs. The Revisor did recommend Revenue. And why wouldn't the Revisor recommend Urban Affairs? Well, I'll tell you one reason why, in my opinion, because the bill doesn't actually have to-- all that much to do with cities. It does have a reference to cities. There's no doubt about that, and I'm going to talk next time on the mike about other bills that deal with cities that have gone to Telecommunications-- Transportation and Telecommunications. It also deals with counties. It opens up Chapter 18 and Chapter 23. One is for cities; one is for counties. We have had-- actually, you could-- you could make a stronger case for

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Government than you could for Urban Affairs. There are four committees that we could go to, in my view: Transportation, Revenue, Urban Affairs, and Government. I think the weakest argument is for Urban Affairs. Probably next is Government. The next would be Revenue. I think the strongest case is for Transportation. So the first argument made by Senator Wayne, I just want to clear the record of the idea that we rejected the Revise-- the Revisor's advice to send it to Urban Affairs. We did not do that. That's--

FOLEY: One minute.

HILGERS: Thank you, Mr. President. That's point one. Point two-- and I'll probably come back and talk about this on the mike, because I think the guide is real-- it is actually a very useful conversation. I appreciate Senator Wayne bringing this to the floor, because we should talk about the importance of the referencing guide because we-- we talk a lot about it in the Referencing Committee, but we don't always talk about it on the floor. The guide, and as Senator Wayne, as an attorney, he knows, and I'm an attorney as well, there's a difference between statutes, rules, and guides. It's a guide. And I'm going to talk about the history of that guide here in a minute when-- next time on the mike. But this is not something set out in statute, certainly. It's also not something set out in the rules. And I-- when I come back, I'm going to talk about how the guide has come from 30 years ago, far before this revolution in telecommunication services has-- has occurred over the last several years, and should have no applicability to the issue in front of us today. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Wayne.

WAYNE: Thank you, Mr. President. Actually, during the conversation on re-referencing, Senator Vargas asked staff where should this bill go or-- and pretty-- I'll let Senator Vargas tell the story a little better because he was there. But basically staff said we referenced it to Revenue, but historically these have always gone to Urban Affairs. My issue with this, colleagues, is we-- the ends don't always justify the means. And what we have here is really basic, a process problem. There is a process that was utilized in 2015 to change the guide in Urban Affairs to include more electrical codes. So there is a process, Senator Hilgers, by which you can change the guide. And in fact, Senator Hilgers, you were the Chair of the LR87 Committee my first year, looking at the reference guide and the committees, and we failed

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to change it. If this was such a big issue that should be referenced in Transportation, then there was a mechanism this year where Chairwoman Sue Crawford oversaw the LR87 Committee, which this issue on the guide was never brought up. It was never brought up. So now we're trying to get around the guide and the procedural aspect of it, because we don't want to update the guide or we want to play games in referencing, and that's not needed. This is a bait-- this is-- you can't be more clear than this. Underneath the theory of Senator Hilgers is, whatever the committee is working on historically or spent time on should go to that committee. Well, then every YRTC bill should go to HHS. But that didn't happen. Every time that we've been working or touching on a bill, it should go somewhere. That doesn't happen. But you can't get more clear than what we have here, where it's specifically laid out in the guide. And so if the argument is we don't need the guide no more, and that's where Senator Hilgers is getting ready to go, then let's make it a free-for-all. I'll file a motion to put every bill back up on Reference-- on this board and let the body just start deciding. And we don't even need to look at the guide. We could say a constitutional amendment, while, yeah, historically has gone to, you know, Government, well, this deals with taxes, so it should go to Revenue only; or this deals with city of Omaha, so it should go to Urban Affairs only; this deals with the elections, so it should only go there. That's not how it always works. We have a guide for a reason. And, yes, Senator Friesen, small cells and Senator Vargas' bill did go to your committee because it's Transportation, Telecommunication, and specifically in the guide wireless communication is underneath your jurisdiction. So I wouldn't argue that it should go anywhere else. So what this-- what this vote is really about is do our-- does our guide mean anything? Does our guide mean what it means where it says clearly this should go to Urban Affairs? And I'm even willing to waver and say I understand that this is a tax. Just because you throw a franchise fee-- because if you read the language, it says occupational taxes, and then they add the word, including franchise fee. Just because it says including franchise fee, and it somehow is tied to cable, that doesn't mean it should go to Transportation and Communicate-- Telecommunication. Urban Affairs is where it's historically belonged. And I don't get up and pick fights with re-referencing, but this is such an easy, logical read, I mean, I can't get more simpler than drawing arrows to where it goes to say, well, let's just ignore it. That doesn't make any sense to me. In fact, there was a bill that came to my committee that I let out of my committee to go to Natural Resources, and in the letter I said this is

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a one-time deal, this is not setting a precedent, because the introducer and the committee have touched on some of those things and may have a better knowledge than necessarily than we do--

FOLEY: One minute.

WAYNE: --may have. But in no way am I waiving future. So what we're saying is because small cell three years ago went to there, we should start looking at every bill and look upon committee encroachment. Well, we're going to have a long time being on this floor doing re-referencing if we start doing that. This is the playing language. This is simple. This is not hard. It says community antenna television service. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator Vargas.

VARGAS: Thank you very much, President. So Senator Wayne referenced-- referenced me in this committee and I-- so for those of you that haven't been in our committee or know the process that we-- we take here, this is a little bit of education. This is an important conversation. I know that you got a lot going on. I appreciate some people that are giving me some eye contact over there. The reason why this is important is because I don't want to make-- anybody to make the assumption that referencing is-- is a simple, easy process. There are some really easy decisions we make in terms of recommendations that are coming to us. But at times, the reason why we exist and the reason why you are electing representatives from each of your different subdistricts and also electing a President and a Vice President and we have a Speaker, I think is because of these different issues that come up. Because where something gets referenced and the precedent we set and alignment with guidelines, and we do use them as a guide, they matter. It's one of the most important things we do. It's-- it's-- it's abiding by-- by what we do in this body. And what we have are the guidelines and history to help us make decisions and inform what we do. I'm not saying here that this specific bill should have been referenced to Urban Affairs, because ultimately, at the end of the day, getting referenced is going to be up to the Executive Board. What I do think is a really important conversation here is whether or not this guide warrants being looked at again. And I know that the committee-- the committee that Senator Wayne referenced and Senator Hilgers was on, didn't make changes to the guide, but this guide is what we have. If we did not have-- if we had a whole new Executive Board, which is going to happen in less than-- in less than

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eight years, the guide and historical knowledge from the staff here in the Legislature is going to be what helps us determine what recommendations we make outside-- if we disagree or have different interpretations of the recommendations that staff make for referencing. And in this, I just want to make sure people are really clear. It says the very specific subject matter that is in the bill, even in the heading of the bill, is in this guide and it says to go to Urban Affairs. I did bring this up in the first-- in the first discussion about it. Ultimately, I did reference it to Transportation and Telecommunications. And part of the reason is, and I mentioned I had a bill that had some similar subject matter associated with occupations access that was referenced to Transportation and Telecommunications. That historically is right. But I did bring up in this that it's not a cut-and-dry, cut-and-dry type of case. The argument shouldn't be it's the subject matter that it should go to Transportation and Telecommunications. And I think the argument that we made was that more of what we're changing, some of the recent legislation that we've seen is going to this committee. However, the guide still stands as a guide that is telling us a very different story. We don't often run into a very clear subject matter in a guide and then reference it somewhere else. That doesn't happen all the time. Usually it's-- and I'll give you a good example. LB910 was a bill, actually, Senator Stinner introduced, that was originally referenced to Government and Military Affairs. It's a really big piece of legislation. It's like, not super big, but 45 pages or something like that, and most-- it does two big things; one is takes a bunch of different cash funds within the Secretary of State and then consolidates into-- into one super cash fund. But then it also increases fees on a whole set of government materials and things that you would file. And so it was originally referenced to Government and Military Affairs because you're either lowering fees, redistributing the percentage of fees, or increasing fees. Usually, when we do that, it goes to the subject matter, and it was referenced to Government and Military Affairs. Even though it was referenced there, we made a determination as the committee, at least the majority of the committee, to then reference it to Appropriations because we were consolidating cash funds--

FOLEY: One minute.

VARGAS: --within an agency. What I'm trying to tell you is that wasn't clear and cut because there isn't a guidance that says when something-- when we're dealing with-- because it had to do with both

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cash funds and it had to do with government fees. We didn't have something really clearly in the subject matter guidance telling us it should go one place or another, so we made a determination. In this case, it does say in the guidance where it should go, but we have in a representative body of individuals on the Executive Board that decided to reference it to Transportation and Telecommunications. If you're making a decision-- and I don't know what Senator Wayne is going to do here. If you're making a decision on where it should go, we do have a guide. Take a look at it. I hope this is telling us that we have to do something in terms of either changing the guide, updating it. But you're also electing individuals like myself, like Senator Hilgers and others in your different congressional districts, to then interpret these to make the best possible decision.

FOLEY: It's time.

VARGAS: So I wanted to make sure you're educated about that. Thank you.

FOLEY: Thank you, Senator Vargas. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good morning again, colleagues. I rise again in opposition to the motion to re-reference. I think this clearly should go to Transportation, although there were, candidly, a number of different committees we could have chosen. I'd submit there were four different ones. And I want to talk in particular about the guide, and I referenced this-- it's been a point of discussion. I sort of pre-- had a prelude to my argument here a few minutes ago. So let's take a step back and take with the guidance, because if the guide is what we just follow full stop, there is no point, colleagues, in having a Referencing Committee. The Referencing Com-- the purpose of the Referencing Committee is to take various inputs and make a reasoned decision. We use the guide. Certainly, it is a guide. We let it guide us. We also take the advice and input of the Revisor. We look to different bills that we had referenced in similar-- that touch on similar subject matters that year or in years prior. We look at precedent. There are a whole number of factors. So first, the idea of just following the guide full stop, forget about-- take our thinking caps off and we're just going to follow the guide, I think, is-- is incorrect. And even though the argument has been raised, well, look, the guide says community access television or antenna television so, therefore, this must go there, I would submit that that is the wrong-- that that is not very relevant for 2020 and here's why. The guide was

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initially drafted around 1989 from Legislative Research, 1989. So if you think back in 1989, there was no Internet; there certainly was no small cell; there was no Internet over cable lines. None of that existed. So 1989, and with-- for the most part, with maybe some minor tweaks, it has not changed in over 30 years. And so if we're sitting here today pointing to a guide that was drafted 30 years ago and-- and not taking into account the complete revolution in telecommunications services that have happened over the last five years, colleagues, I'd submit that's the wrong decision-making methodology. I don't think that's what we ought to be doing. Now, the point has been raised, well, we looked at this. Senator Hilgers, you were on this committee, you looked at the referencing guide, you didn't make any changes, therefore, you're bound to it. Well, first of all, that committee had to do with committee makeups and we were looking at whether or not we should combine committees, make things more efficient. We did look at the referencing guide in the-- in a global sense as we look at the imbalance of the committee assignments, you know, too many in Judiciary, maybe not enough over here, is that a reference-- is there referencing solution to that problem? But in no way did we go line by line through and say, well, OK, this part of the Urban Affairs referencing guide, we know that telecommunications now is different than it was in '89 and we think it ought to still go to Urban Affairs. So that is a counterargument. I don't think that-- that is not consistent with how that committee acted. And even still, it's still a guide. It doesn't take into account the last three years that the Telecommunications Committee has spent on this type of issue, this regulatory taxing parity issue. So let's be clear about the guidance. And I don't think it's a position. I think this is one where you live by the sword and die by the sword. I think if you're saying the guide matters full stop, forever, that's a position I don't think we want to take because it might hurt you on a bill that you think ought to go somewhere else. And I also think it's myopic in the sense it doesn't take into account all these other factors. Now Senator Wayne is right, and Senator Vargas has raised this, and others, we get a lot of bills in Referencing that touch on multiple areas, and we do have to make a decision, and they're ones that people can disagree with. Not every motion and vote that we have in Referencing is unanimous, to be sure. And there are a number of reasons and arguments to send it to-- in a number of different places, this bill and others. But I'll give you an example of one. And Senator Wayne said, well, let's just look at the statute, plain language, and that decides where things go. Well, I'll give you an example that's been referenced this morning on the floor

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that went to Telecommunications. That's LB550, Senator Vargas' bill last-- from last year. If you just read the plain language of that bill, line 1 on page 2, no municipality shall impose any tax or fee related to wireless or prepaid wireless services. Well, under the theory that's being put forward this morning, if it touches on municipalities, if it touches on cities, well, that should be Urban Affairs; if it touches on taxing authority, well, that should be Revenue. Well, colleagues, last year we didn't send it to either of those places. And the reason we didn't send it there, not that you couldn't make an argument-- I'm not-- I'm not saying that this is so black and white, so clear cut that you--

FOLEY: One minute.

HILGERS: --couldn't possibly ever go to any other committee ever, I'm not saying that at all. I don't want to overstate the case. But we sent that to Transportation because Transportation and Telecommunications is dealing with a sea change in how telecommunication services are provided, and we are grappling with the policy and taxing implications and competitive implications that that sea change is creating. That has happened over the last three years. In that committee we have built up expertise and I think that's why LB1046 should go to that particular committee. I'm almost out of time here. I will come back on the mike one last time to talk a little bit about the process because I do think the referencing process is important. I'll talk through the different votes that we had, and the outcome, and again ask for your red light on the motion. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Friesen.

FRIESEN: Thank you, Mr. President. So over the years that I've been here, and when we've-- we've been in these battles before and, you know, I think all of you have-- have-- the longer you're here, the sooner you'll have an experience that a bill you wrote will go to where-- a committee maybe you didn't want it to go. And so everybody gets really good at trying to write that little one-liner that sends the bill somewhere else. And so it's a game that's been played, and I can't blame the Referencing Committee because they cannot read every bill to determine what's in it that maybe makes it go somewhere else. But when you look at what we're talking about here today, it is just the transformation that we've had in the telecommunications industry. And I will argue that the Transportation and Telecommunications

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Committee is best handle that with the expertise that we have developed, like Senator Hilgers was talking about. We have talked about these issues for as long as I've been there. And we've got committee members now that have heard this the last year already, and there is no one really that doesn't understand it. And so we did create an uncompetitive field in the communications industry. And, you know, you look years back, and when cable companies first started coming into communities, there were-- there are communities that don't charge a franchise fee tax or anything else. They were just happy to have the cable industry come in there. Well, you have the voice communications, you have the telephone companies, they have cable laid there, and you have the wireless industry slowly encroaching on those same communities. And so now, with the evolution of technology, you have cable companies that offer telephone and Internet service. You have the wireless industry that offers streaming services and data. And so you have these industries all offering all of the above, and yet they're operating under different rules and regulations and under different tax structures. This will allow to even that playing field that we have discussed the past three years in the Telecommunications Committee, and it allows us to address some of those discrepancies that are out there. And I think we have the best understanding of it. And in the end, you know, we all in the end have had bills go the wrong place or whatever. You can argue that. It is a guide, and it cannot be definite because if it was, everybody would write their little one-liner to make that guide fit and it would get sent to the right committee. They can't read the bill. It's almost impossible for them to do all that. With that, I'll yield the rest of my time to Senator Hilgers.

FOLEY: Thank you, Senator Friesen. Senator Hilgers, 2:20.

HILGERS: Thank you, Mr. President. Thank you, Senator Friesen. I'll talk a little bit about the process. So the bills, when they-- when they get introduced, they go first to the Revisor's Office, and they make a recommendation that the Referencing Committee takes into consideration. So usually within a day, the next day after the bills are introduced, the way the process works is we go through every single one of the bills and we pull off ones that we want to discuss. And I-- and I haven't done the math on this, but I would-- I would guess to say that probably 95 percent, if not more, of those bills that are-- wherever they are, initial recommendation from the Revisor's Office, we accept them. Sometimes, we'll talk about some bills, so we'll ask the Revisor to provide some input. We'll talk

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through different data points. We will talk about the guide. We will talk about maybe previous-- previous bills that are similar that have gone to certain committees. Some bills are very difficult to go-- to walk through because they do touch on different subject matter and they're not always easy. Usually, after that process, either we'll go with where the Revisor initially recommended. We may send it to a different committee. Sometimes we'll hold it over for more information. But more often than not, when we're done with that day, everything has been moved. Now sometimes after that, every now and again, we'll get a request, either one that we had initially dealt with in Reference somewhere or one that was-- that we just followed the initial recommendation of the Revisor. We'll get a-- we'll get a request from someone, either the bill introducer-- most often, the bill introducer but not always. Sometimes the Chairs of the committees that are-- that are implicated by the-- a particular referencing request. So, for instance, we might send something to Natural Resources, but Senator Halloran thinks it should go to Agriculture, and so we'll get a request from maybe the introducer to-- a re-reference request that we handle and re-- in the Referencing Committee. Usually, not always, it's not dispositive, but if that request comes from both the Chairs of the committees implicated-- so in the example I just gave, Senator Halloran and Senator Hughes, and the introducer of the bill, whoever that might be, Senator Clements, say, often, maybe not always but almost always, we will reference that to the-- we will re-reference into the committee to which that they have requested it be re-referenced. That's usually what-- what happens. That doesn't happen very often. Sometimes we do-- when we-- sometimes we'll get a request where it's not from both committee Chairs. And this is exactly the example-- it's the latter example. In this case, we had-- we had the-- LB1046, we had the con-- initial conversation about it was initially referenced or recommended to be referenced to Revenue. We had a conversation.

FOLEY: That's time, Senator.

HILGERS: Thank you, Sen-- thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Mr. Clerk for an announcement.

ASSISTANT CLERK: Thank, Mr. President. General Affairs will be holding an Exec Session today at 10:00 under the north balcony, General Affairs, 10:00, under the north balcony.

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FOLEY: Thank you, Mr. Clerk. Continuing discussion on the motion, Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I've been on the Executive Board for a lot of years. And as the years went by, the purity, if you want to call it that, of how referencing occurred gradually diluted until the committee was something like a contortionist training ground. The ones who now-- and when I first came here, I didn't know what political party people belonged to. And there were strong-willed senators who would not allow either party to interfere with and intrude into the activities of the Legislature, and the parties knew it. All of that changed. Now the Republican Party can take an interest in a bill and the Exec Board will refer it where they want it. The NRA has an interest in a bill, and a gun bill, which should go to the Judiciary Committee, went to Senator Murante's Government Committee. There is another outfit, which I call an outfit, although it's one man, but he is connected to a lot of money. That's the Governor. He wants something, especially the state to kill people, so a death penalty bill is referred to the Government Committee, where Murante, the tool, the handle that fit any Republican tool, was the Chair and would give them what they wanted. And he, in turn, was rewarded by the "Repelican" Party putting him into the job of the Treasurer. And he, in turn, rewarded the company that used to hire him by opening an obscure op-- branch of the Treasurer's Department, which is somewhat obscure to most people, in an obscure part of town. And you see all these machinations and the Republicans want to say, uh-uh, it's not so. Senator Hilgers is a good operative for the Republican Party and the Governor. We're being frank now. I had to fight unsuccessfully about any number of bills which were misreferred by the committee. And I would argue during the committee. I would offer a motion to have the bill re-referred. And for some reason, the motion would not come up on the agenda for discussion. So you all can play this game all you want to about purity, fairness, and so forth. But the way this so-called guide operates, especially under the current guidance of the Exec Board, it's like you're on a highway. The only way you know where it goes is to see a road sign. The road sign says 50 miles to Alabama, unless you wind up in New York. That's the way it is. They are words on paper with no meaning. There is not integrity in the referencing of bills. Whoever has the votes will get the reference that he or she or they desire. That is the reality. Senator Hilgers knows it. Everybody on their-- on the Exec Board knows it. The only entity which really could be given credit for understanding the

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history of bills and their referencing would be the Revisor of Statutes, who brings the recommendations to the board. Those recommendations will accept it unless one of these powerful interests, the Governor, the "Repelican" Party, the NRA, wants something different. The Judiciary Committee, for example, will handle matters related to liability. Farmers want to have people on their land but not be liable should those people be hurt.

FOLEY: One minute.

CHAMBERS: That bill should have gone to the Judiciary Committee. It wound up in the Ag Committee or someplace where the farmers wanted it, even though it dealt with an issue that falls squarely within the province of the Judiciary Committee. I have seen it. I see it now. The problem with this Legislature is that people do not tell the truth. But I'm going to tell the truth. And I'm not going to deny what my experience on these committees and in this body would indicate to be factual. We're going to continue disagreeing. I won't have to take my lumps anymore because this is my last go-around. But I took plenty of them before I got to this point. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Hilgers, you're recognized for your third opportunity.

HILGERS: Thank you, Mr. President. Good morning again, colleagues. I rise again in opposition to the motion. I want talk a little bit about process, but I want to at least address a couple of points that Senator Chambers just raised-- raised. I think the referencing process, we've had a very good process and a very good committee this year, one that has been run with integrity and had-- we've had outstanding engagement. I would wager to say over 99 percent of the bills, maybe not-- maybe not quite that much, 98, 99-- I'll do the math if you care to know-- have been moved with unanimous agreement or we just adopted the referencing decision. The idea that this is a political process on LB1046, I just-- that is not right. That's not correct. This isn't-- this isn't an ideological battle over guns or the death penalty. This is a bill about transportation policy-- I'm sorry, telecommunications policy and where it should go. Now Senator Chambers put on the record a suggestion or a statement that-- that in our committee there has been motions that he has made for re-referencing, and I wasn't-- it wasn't clear if it was-- that it was during the committee or through a letter that were-- were not recognized. And I want to make the record very clear that I'm aware of

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no such instance since I have been Chair of the Referencing Committee where any member, and certainly not Senator Chambers, had any motion that was at any time not recognized by the Chair. We would never operate a committee that way. If there was some mistake of some kind, I would like to know what happened so that we can rectify it immediately. But every member of that committee is a valued member of that committee. The input is very valuable. We solicit it. We have good, hard conversations in that committee, and I think it has led to very good outcomes in the referencing process. So I want to-- I want to directly discuss that first. And let me go back to the LB1046 process, because this is my third time on the mike and I don't have much more time. LB1046 came to us. It was initially rec-- the initial recommendation was to go to Revenue. And really, there are four places it could go-- not uncommon to have multiple places-- four places: Urban, Government, Revenue, Transportation. The initial vote, if I recall, was 8-1 to go to Transportation. Not-- there was no motion to go to Urban Affairs. Senator Vargas mentioned he did raise Urban Affairs, but there was never a motion to go to Urban Affairs. We then got a request to re-reference it from Senator Wayne. That request was not signed by Senator Friesen, who's Chair of the Transportation and Telecommunications Committee. We had Senator Wayne come down. He made his argument. We had further input, further discussion. The motion to re-- there was a motion re-reference. It was seconded, and that motion failed. The bill has now been set for hearing. It is set for hearing in February. Now, because we're outside seven days, it doesn't raise the threshold such that we have to move to suspend the rules. But it's important that we're-- now here we are sitting here today where we had four options to go to. There is a very-- you may disagree. You may-- certainly may disagree that it should have gone to Transportation. But there is a very reason-- in my view, very strong reason for that bill to have gone to Transportation Committee. You may disagree, but now we're saying that after input from the Revisor's, after an initial motion to discussion, after a re-reference request and additional input, that now we're on the floor and we're going to put-- just because-- based on a disagreement, we're going to re-reference it. I would submit, colleagues, that is a far worse-- a far worse precedent to set than any sort of perceived deviation from our guide, which is a guide only. If-- now how we're going to proceed is I don't agree with where it's going to go despite the reasoned process, let's go to the floor and debate it. There's going to be a lot that maybe folks are going to disagree with, because many bills go to multiple different committees. And for us to now on the floor of a green vote would be to

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upend that process that we had in place, one that worked properly through the Referencing Committee that thought through these issues, it's not as if there's a new issue that's being brought to the floor today that wasn't considered in the committee itself. I appreciate Senator Wayne bringing the motion. We're having a very good conversation on the floor today about the referencing process, the importance of the guide, the various actions that the Referencing Committee took place-- takes on all the bills, and then certainly the process that went into LB1046 and the thinking behind it. I think that's valuable. As Chair of the Board-- as the Exec-- Chair of the Exec Board--

FOLEY: One minute.

HILGERS: --Chair of the Referencing Committee, it's valuable, valuable for me. I hope it's valuable to the body to have this conversation. But at the end of the day, colleagues, we had four choices, in my view, the strongest of which that deals directly with telecommunications policy, a sea change in how we-- what kind of taxing and regulatory policy we have over Internet and video services, deals with the Telecommunications Act of 1992 and 1996, deals with definitions and regulations of the Federal Communications Commission, should go to Telecommunications, and it certainly should go after we've had a robust discussion within the committee and without some new fact or new precedent or something that we didn't consider that came to the floor that would show that it's clearly erroneous. I would urge you to vote red-- or, I'm sorry-- vote red on the motion to re-refer. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Wishart. Is Senator Wishart on the floor? We'll move on. Senator Wayne. Your third opportunity, Senator Wayne.

WAYNE: Yes. Thank you. I do need time. I'd like to have a-- just a friendly conversation. I know we got Exec Sessions going on and everything. I don't know how many people are listening, but this is a great dialogue. So will Senator Hilgers please yield to a question?

FOLEY: Senator Hilgers, would you yield, please?

HILGERS: Absolutely.

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WAYNE: So we talked about process. Is a motion like this part of the process when we deal with referencing?

HILGERS: It's part of our rules, absolutely. It's a tool, sure.

WAYNE: So you would agree that the process is still being followed, correct?

HILGERS: Oh, it's-- absolutely.

WAYNE: So to say that this is outside of the process really is not a fair statement, correct?

HILGERS: I was not saying the motion. I'm saying the arguments being made to overturn the decision of the Referencing Board. I-- I think that would create a bad precedent.

WAYNE: Right. And when you vote on bills that come out of committee, you don't always agree with the bills that come out of committee, correct?

HILGERS: That's right.

WAYNE: And you find some language in the bill that may be wrong, even though the committee says 8-0 that it should come out of the committee.

HILGERS: Yep, that's correct.

WAYNE: So we can bring anything to the floor. And sometimes we disagree or agree with the committee, correct?

HILGERS: Absolutely.

WAYNE: So let's talk a little bit about this bill. What is this bill trying to do?

HILGERS: It has to do with setting-- limiting the ability to impose various occupation taxes for video services.

WAYNE: So video services, that-- is that just cable or is that-- is it-- is it only cable, I guess, is what I'm trying to find out?

HILGERS: I'm reading the bill right now, Senator Wayne. I've got it in front of me. Let me be precise. Section 2, impose-- let's see, imposed

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under this section, taken together with any other tax fee assessment, including a franchise fee imposed as part of the grant of a community antenna televised-- television service franchise, which is defined, which means a cable service under-- under subsection (3) as defined under 47 U.S.C. 522.

WAYNE: So let's dig into that. So we could have wrote a bill that only applied to cable services, right?

HILGERS: You'd have to ask Senator Freisen that question. I'm not sure. I don't have the definition of cable service in front of me, but it does-- certainly does incorporate the definition of cable service in the bill.

WAYNE: Would you agree that there is a difference between community service-- community service antenna versus cable services?

HILGERS: I wouldn't in this context, Senator Wayne, because Section 3 says-- defines community antenna television explicitly to mean cable services under the U.S.--

WAYNE: Right.

HILGERS: --under--

WAYNE: Thank you for saying that. So you-- what you're doing is changing the definition of community antenna television services.

HILGERS: I don't know if it's a change or not. It just-- it's just defining it. It may-- I'm not sure where else it exists in statute.

WAYNE: Well, there's only a couple other places that exist in statute. And again, that's part of the reason why it should go to Urban Affairs, since we deal with this issue on a regular basis. And being a member on Telecommunications, as you said, you dealt with these issues so-- so-- so delicately and in-- in such important matter in the last three years. What I'm trying to figure out is you would agree that there is still digital antenna service today?

HILGERS: Is there still digital antenna service?

WAYNE: Correct.

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HILGERS: Well, I don't think that there's community antenna service to the extent that includes digital. I'd say no.

WAYNE: Does this bill change that?

HILGERS: Does it change whether there's actually digital?

WAYNE: The--

HILGERS: I don't think the-- the bill deals with occ-- with actual taxing authority. It doesn't deal with the underlying-- I mean, it doesn't change or modify the use of, as far as I read, a community antenna television.

WAYNE: So this is a tax bill?

HILGERS: Well, it certainly touches on taxes, like-- just like LB550 did last year.

WAYNE: Well, LB550, that-- that's true. It could have been referenced maybe to Revenue or not. But that's not before us today. So are you saying once a bill goes somewhere, that committee keeps it forever and has jurisdiction for that bill forever?

HILGERS: Not at all. But the rule you referenced, Senator Wayne, did say the things that are traditionally heard in one committee is-- is actually a rule-based reason to send something to a particular committee, so I do think it's a factor.

WAYNE: So let's talk about tradition then. How do you-- how do you define traditionally heard?

HILGERS: I think it's going to be on a case-by-case basis. I think in this instance, over the last three years, we have traditionally been hearing tax and regulatory parity bills in the Telecommunications Committee.

WAYNE: So does 3 years versus 30-year history mean you have more tradition in Transportation than Urban Affairs?

HILGERS: Thirty years of-- of-- have you-- has Urban Affairs has been dealing with--

FOLEY: One minute.

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HILGERS: --with regulatory parity for 30 years?

WAYNE: It's been dealing with community-- yes, in regards to communities' antenna television services, it actually has. And the last bill that was passed there was 1979 from Urban Affairs that dealt with the regulatory scheme of telecommun-- or community antenna television service. So if we had it 30 years ago and you had it 3 years ago, which one has a better tradition?

HILGERS: I think that's comparing apples and-- and-- and cars. I think this has to-- this has to do with--

WAYNE: That's a good one, apples and cars.

HILGERS: Thank you. This has to do-- the reason why this is-- I think it should be in Telecommunications is it-- it actually deals with-- there's different service providers that are providing the same service but are taxed differently. That's what I think is at the heart of this particular bill.

WAYNE: I understand that. I guess what I'm a little concerned is you're fundamentally also changing the definition of community antenna television service and making it cable when in fact there are plenty of digital antenna services out there. And this goes to the heart of the definition of--

FOLEY: That's time, Senator.

WAYNE: Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I believe in addressing issues head on. Before I do that with Senator Hilgers, I want to call your attention to a handout I gave you known as an "ERNIE-GRAM." If you look at the words, you get a message. If you look at the illustrations, you get a message. If you do not look at the totality of the shape that these pictures make, you will not see the outline of a house of prayer with that image of the State Capitol Building representing the spire or the steeple to that building. Take a pencil and draw around that outline and you will see a church building. But if I didn't tell you, you wouldn't see it. My job is to take away that which is obscure and make it as clear as possible. Senator Hilgers said no committee member ever made a motion

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that was not recognized. That's not what I said. Anytime you raise your hand on the appropriate-- on this committee, you'll be recognized by the Chair. A motion to re-refer can be made in committee. I said that I had made efforts to have bills re-referred and I would file motions and they wouldn't make it to the agenda. That's not talking about the committee. But I'm going to see how good Senator Hilgers' memory is or if it's selective. Senator Hilgers, do you remember a gun bill that I strenuously argued should go to the Judiciary Committee but it was referred to Senator Murante's committee?

FOLEY: Senator Hilgers, would you yield, please?

HILGERS: Absolutely.

CHAMBERS: OK. So there's one. And guns go to the--

HILGERS: Oh, I'm sorry. I was-- I'm sorry, Senator Chambers. I was-- the answer to your question is yes, but I was responding to the President. I'm sorry.

CHAMBERS: OK.

HILGERS: I do-- I do recall the bill. I'm--

CHAMBERS: Oh, OK. There was a bill that related to the death penalty, the protocol, information about drugs and the origin of them, which should go, in my opinion, to the Judiciary Committee, but it also went to the Government Committee. Do you remember that?

HILGERS: I-- I do recall that. That was prior to my time as Chair of the Referencing Committee, but I do remember it.

CHAMBERS: Then I will not make that Senator Hilgers' responsibility as the Chair. But those are two of the glaring examples of the Governor having his way in that committee. There is no way an NRA gun bill should go to Senator Murante, the Republican operative who was Chair of the Government Committee; nor should a bill related to the death penalty, per se, go to the Government Committee. Then people want to act as though everything is copacetic, nothing out of the ordinary is occurring. The only way you can say nothing out of the ordinary is occurring is if the ordinary comprises what the Republican Party wants, what the NRA wants, what the Governor wants. I have waged many battles during our committee hearings, during our Exec Sessions, and I have lost repeatedly, lost in the sense of those evil forces, as I've

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named and now characterize in such a fashion, had the votes. Whoever has the votes gets his or her or their way. I don't care what the issue is before us.

FOLEY: One minute.

CHAMBERS: If the group wants it and has enough votes, the group gets its way. Most of what comes before us in this body is what I call trash legislation. I'm the garbage man. Today, I followed the tactic of some of my colleagues. I waited toward the end to speak, and I have another opportunity, so I'm going to turn on my light.

FOLEY: Thank you, Senator Chambers. Senator Vargas.

VARGAS: Thank you very much, President. I just want to-- we're learning a lot today, so I think this is a good conversation. I do appreciate what-- what-- the kind of dialogue we're having here. Couple things I want to make sure to clarify: In terms of the process, and I know Senator Hilgers talked about this, so I'm going to add a little bit to it, because I don't-- I don't want to send part of the wrong message. I completely agree that nearly 99-- we don't have the exact numbers, but a large-- the overwhelming majority of the bills that get referenced to us get referenced without any type of discussion or even a discussion. We either tend to agree with what is originally referenced or we have some sort of dialogue that gets us to the right place. There has been a practice that committee Chairs will submit letters of support and if both committee Chairs bring the letters-- I don't want to send the message to the body that that alone will qualify whether or not we re-reference a bill to a committee. That is one factor that we take into account. I know it was referenced that Senator Wayne brought a letter, and it was a letter just from his committee and it wasn't from Senator Friesen's committee, that alone doesn't disqualify whether or not a bill should get re-referenced. It's just a piece or a point of information. Ultimately, the Executive Board, and I mentioned this before, we are-- we are elevated by our congressional districts and elected by this body to then wade through all the information and make an informed decision. And so I-- and this is important because the decision is not left up to Referencing on just the committee Chairs. It's done on purpose to make sure that there is a balance. At times, we were-- we-- we want to get educated about where bills historically have been, and then we talk with committee Chairs. And so letters do provide some context historical, so I just wanted to add a little bit more color to that, as Senator

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Hilgers was bringing that up. And I know he would come--he would agree with me because we've had this conversation in Executive Board to make sure that we're not overly reliant on the process of letters being the only reasons why we would re-reference. So that's a message to everybody, including all the Chairs. I do want to bring a point up for LB550. And this is-- this is important because whatever decision you make-- and I'm not supporting one way or the other the re-referencing motion. Again, I voted originally for moving it to-- LB1046 to Transportation and Telecommunications. But the precedence matters and here's why. We were referencing LB550. LB550 is my bill. The bill that I introduced was a big bill. Did it include things that might have some subject matter overlap with what we're discussing? Yes, it does. It also includes topics such as wireless 911, prepaid wireless. And so when we had this conversation, we referenced it's Transportation and Telecommunications because more of the subject matter had to do with what we typically deal with in Transportation and Telecommunications. Is there some components of this that have to do with not allowing a municipality to impose a tax? Yes, there absolutely was. Could you make a case that that's maybe Government and Military Affairs or Urban Affairs in some way, shape, or form? You could. But more of the content matter in the bill had to do with wireless services, and that was the intent of my bill. Now it got referenced there. And so now we are referencing LB550 because it had to do with some of that subject matter as a reason why this goes there. It-- what we do does matter in this, so we're setting a precedent. Regardless of what your decision is, the Executive Board did vote for this LB1046 to go to Transportation and Telecommunications. But I wanted you to be informed that what we do here is going to set precedent. If we're not going to then change the guide, which is another question we have in front of us, then what we're doing is going to then set a standard that this specific subject matter of the community antenna is not going to go to Urban Affairs anymore, really, it's now going to go to Transportation and Telecommunications. I just want people to be informed that that's the decision that you're essentially making in terms of a precedent.

FOLEY: One minute.

VARGAS: So with that, I thank the body. Again, this is helpful conversations for people to be informed about what we do in Executive Board and why, what the importance is of having our representatives from each of these congressional districts and Senator Hilgers and I being leaders in this board. Thank you.

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FOLEY: Thank you, Senator Vargas, Senator Dorn.

DORN: Thank you. Thank you, Mr. President. Wanted to get on the mike and say I appreciate the conversation today that we're having on discussion of what I call the rules and the process this goes through in-- and through the Executive Session, and for someone-- some of us that have been here a short period of time, learning what all goes through it and-- and the concepts and the ideas or the thought process behind what happens, or how it proceeds through when there is a question about whether it should be put in this pot or this pot. This time I wanted to-- if Senator Hilgers would like it, I will give my time to him, and I also make this offer to Senator Wayne or Senator Chambers. If they run out of time, I'd be glad to push my button and let them speak more about it, too, because I do enjoy this conversation very much. Thank you.

FOLEY: Thank you, Senator Dorn. Senator Hilgers, 4:00.

HILGERS: Thank you, Mr. President. Thank you, Senator-- Senator Dorn, for the time. I'll be brief. I won't take all of it. I just-- a couple of points that I think is-- are worth putting on the record or at least clarifying on the record, and I-- Senator Vargas is exactly right. This is-- this-- every time we make a decision like this in the body, this-- this is precedent, so some years down the road, maybe when all of us are gone, someone may be looking at this transcript and seeing what it is that they did here in 2020 on this particular issue and what were the various things that we considered. And so I think putting it on the record is the only way that we can ensure that this type of decision has some force, decision-making force down the road and maybe isn't construed the wrong way. So to be very clear, I don't think that this is-- a couple things. First, Senator Wayne is absolutely correct. And I certainly have not meant to imply at any point during my argument this morning that he was wrong to bring this motion or this is somehow out of process or somehow inappropriate, couldn't-- nothing could be further from the truth. Senator Wayne and I have had a number of good conversations about this particular bill and the referencing process. I'm glad he brought it insofar as it gives us an opportunity to talk about these issues. My point is not that the motion itself was wrong in some way, because I absolutely don't think that. My point instead is that if we are to-- if you were to vote in favor of the motion, that that sets a precedent, not the motion itself, but voting in favor of the motion sets a precedent that I think is a bad one, because it will open up the door to this type of

motion being brought all the time just when you might disagree with, admittedly, a bill that could be complex, it could go to a number of different committees, and we've already identified four to which this particular bill could go to. So first and foremost, I want to be clear, the motion itself, Senator Wayne can bring that motion, absolutely. I disagree with it and I would disagree with the precedent that it would set. I think that's-- that's first and foremost. Secondly, I do want to address Senator Vargas' point on the precedent. I don't think if we vote no on this motion that that means we're going to disregard the guide forever and always. Contrary-- to the contrary, I think this is just a reflection of what I think is a very reasoned discussion. If this was in 1982, the guide wasn't until 1989, so 1991, pre-Internet, pre-small cell, pre-- pre the ability to-- to send video over Internet lines, then this probably would go to Urban Affairs, or it might still go to Revenue, might go to Government, but I don't know if you can make the same case for Telecommunications. By voting against the motion and making sure this goes to Telecommunications, we're saying, yes, we are going to acknowledge the evolving realities on the ground and not stick with a 30-year-old guide on a particular subject matter that this body has never had the occasion to-- to reflect on and actually change. Sure, we've looked at the referencing guide in its totality. You know, is-- should we take chunks out and put it elsewhere? Should we-- should we move things in the combination with eliminating committees? We've had that conversation. Not once, not ever, that I can ever recall, we ever actually had this conversation, which is this community access in the context of Internet par-- or taxing and regulatory parity for the provision of Internet services over-- from telecommunications providers, where should that go? And I would submit that the right answer to that--

FOLEY: One minute.

HILGERS: --is it should go to Telecommunications-- thank you, Mr. President-- because that more accurately reflects the facts on the ground and not a guide that was written 30 years ago that does not, that was written before Internet, before high-speed Internet, before 5G, before any of these technologies that we're talking about today. So I want to be clear. I don't think this precedent is, we'll just ignore the guide. To the contrary, we'll give the weight it's due in a reasoned way. And in this case, I don't think it should be given as much weight as maybe some others would put-- would put on it. So, again, I'd urge your vote, red vote on the motion. I do appreciate the dialogue from Senator Wayne, Senator Chambers, Senator Vargas and

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others. I think this is important. I'm glad we're making a record for future bodies to consider. But again, I'd urge your red-- red light on this motion. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Chambers, you're recognized for your third opportunity.

CHAMBERS: Thank you. Mr. President, members of the Legislature, sometimes a point or an idea gets lost. In politics, they call it the fog of war. I want to make a freestanding statement so that it's crystal clear. Senator Hilgers, as Chairperson of the Executive Board, has never failed to recognize any member of the board who had a motion to make. Anyone who wants to make a motion will make it clear that this is that person's desire, and Senator Hilgers, as the Chair, will recognize that person for the motion. And the mere recognition of you to make your motion doesn't mean it's going to go the way that you want it to. Everybody in the Legislature understands that, but sometimes people don't hear what I'm saying the way I intended. Now this that I say, I mean, from port to starboard, from stem to stern, from that tallest piece of wood that the sail is on to the bottom-most piece of wood under the ship, if it's made of wood. Most of what is offered in this Legislature at the beginning of the session is what I refer to as trash. It is not well thought out. It is brought because some outside interest or person asks that it be brought. Many times, the senator whose name is on it doesn't understand it, hasn't read it, doesn't know what it means, and cannot answer questions. Such being the case and the reality, it doesn't really, being completely practical and honest, make any difference which committee any bill is referred to, unless it's on one of the big issues which is clearly dealing with revenue and taxation, crime and punishment, cities, and those big topics. But here's why I say it doesn't make any difference which committee. There is as much ignorance of the issues on every committee in the Legislature. So just because somebody sits on a committee that has a certain name, such as Education, doesn't mean that the people on that committee know about education or are even educated. These are just terms of convenience. A person on the outside, being unlearned in the ways of legislatures, may get the impression that a person is a member of a certain committee because he or she has a certain amount of expertise in the subjects with which that committee deals-- not so. They may think that somebody who is given a chairpersonship is knowledgeable enough to merit it. That definitely is not so. We are engaged in a shadow show. We are engaged in activity which is more appearance than substance. Very few of our

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discussions on the floor are substantive, very few, and when they are, the Chamber empties. Now if you're talking about potholes or whatever is something that doesn't engage too many brain cells, you may find the Chamber full; or abortion, where they get their dictates from the Catholic church and the Governor, one of the biggest hypocrites you can find.

FOLEY: One minute.

CHAMBERS: Now he pretends to be a Catholic in good standing. Now the official position of the church is against the death penalty in any and all circumstances whatsoever, period. But he says that because the public voted to reinstate the death penalty, he's got to be in favor of the death penalty. How can he be a good Catholic when he's diametrically opposed to the position of the Pope and the church as articulated by the Pope? He's a hypocrite, but he was raised as a rich, spoiled brat, and he's used to having his way, so he says what the unwashed require. That's you all. I'm a good Catholic. I'm pro-life, except when I'm pro-death. I'm for doing what the people vote for unless they vote for something I don't like, such as the extension and expansion of Medicaid coverage.

FOLEY: That's time, Senator.

CHAMBERS: He's not for that, even though he's a Catholic.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Wayne, you're recognized to close on your motion.

WAYNE: Call of the house.

FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 18 ayes, 3 nays to place the house under call.

FOLEY: House is under call. All unexcused members please return to the Chamber and check in. The house is under call. Senator Wayne, if you want to proceed with your closing.

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WAYNE: Yes. Colleagues, this is an important issue. And I agree with Senator Hilgers that this is about precedence. And I think what sets a worse precedence, or the worst precedent, is to throw away our-- or throw out our referencing guide. To say the plain language of our referencing guide doesn't apply anymore does more damage to the long term of this body than just saying, well, we'll ignore it or-- or we-- or we will go forward with it, and ignore the referencing process. And we're not even ignoring the referencing process for the simple fact, Senator Hilgers agreed that this is part of the referencing process, that in our rules you can, after Referencing has done what they did, which is incorrectly reference this, bring it to the body. This is part of the referencing process. The fact of the matter is, Senator Hilgers was clear that this bill is about community antenna service-- community antenna television service. I keep forgetting the word television. I have-- I have no idea why I keep saying that when I forget it. The reality is, if you look at this bill, you look at the-- the first two lines of the bill and you look at what this bill deals with, it changes the definition of community service-- or community-- I'm going to say it again-- community antenna television service. It changes the definition of it. And if it doesn't go to Urban Affairs, I'm-- I'm-- it just doesn't make any sense and it has to go to Revenue. To say that a bill that dealt with this issue or touched on this issue as Senator Vargas' did last year, went to Telecommunication, because it dealt with wireless and wireless is specifically listed in the guide underneath telecommunication services and underneath Transportation Committee. That's why it's there. It's really simple. We can keep going on and on about the process. But what it comes down to is when you read the guide, does the guide matter or not? And if it doesn't matter, then I think Senator Chambers, myself, and other people who will just come back and make the same argument, then Y-- the YRTC bills all should go to HHS; Judiciary shouldn't get any. And believe me, I'm on Judiciary. We can go with a little less bills. We will just start saying if your committee dealt with it in the past, forget the referencing guidelines, we're just going to go there. That's not what we are doing. That's not what we've been about. Yes, Senator Chambers, our first year, when we had the big rules debate, had a lot of issues on referencing and brought it to the floor. Some of them we versed; most of them we didn't. But none of them have been this clear, this clear, where it's on the referencing guideline. And all the arguments Senator Hilgers is making don't necessarily apply. He's saying, ignore the guidelines, it's 30 years ago. That is the dangerous precedent we are going to set today: Ignore

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the guidelines, they are 30 years old. If that's the case, then why wasn't this brought up in LR87 for the last three years that I've been on, the first year which Senator Hilgers chaired? We didn't talk about changing this word. We didn't talk about moving these words out of Urban Affairs to Telecommunication. There is a process in which we do that and either we are going to uphold a process in which we change the guidelines, and either we're going to uphold the right referencing process where it's the plain language, or we're not. And I think we're better than that. I think our precedent matters. And what matters in this case is following the basic guidelines. This bill does two things. It changes the definition of community antenna television services to make it cable, which is a huge change from where we were in statute, which is underneath Urban Affairs. And the second thing it does is impose-- imposes limits on taxes. And they try to include franchise fees to make it go to telecommunication services, Transportation Committee. But the fact that it is, it's a tax. So the only place this can go is Urban Affairs or Revenue. Now, what has Urban Affairs dealt with? Well, we dealt with this exact same occupational tax, 2017, 2019.

FOLEY: One minute.

WAYNE: There goes our history, Senator Hilgers. We have a history of dealing with occupational taxes in this regard in Urban Affairs. In addition, since 1979, Urban Affairs has dealt with community antenna television services. There goes over a 40- to 50-year history. Just because telecommunication services, Transportation, T&T had it for three years, I don't think you can ignore-- and that wasn't even this bill; that was small cell-- you can't ignore the historical context and traditionally where it went. Our staff said that history-- this should go to Revenue, but historically they have always gone to Urban Affairs. Those are only two places. So if you don't agree with Urban Affairs and you really vote no on this, I have another motion that will be filed today to move it to Revenue and we'll have this same conversation.

FOLEY: That's time, Senator.

WAYNE: Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. All 49 members are present. The question before the body is the consideration of Senator Wayne's

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motion to re-refer LB1046 to the Urban Affairs Committee. Those in favor of the re-referral motion vote aye; those opposed vote nay.

_____ : [INAUDIBLE] reverse order.

FOLEY: A roll call vote reverse order has been requested. Mr. Clerk.

ASSISTANT CLERK: Senator Wishart.

WISHART: Yes.

ASSISTANT CLERK: Voting yes. Senator Williams.

WILLIAMS: No.

ASSISTANT CLERK: Voting no. Senator Wayne.

WAYNE: Yes.

ASSISTANT CLERK: Voting yes. Senator Walz.

WALZ: Yes.

ASSISTANT CLERK: Voting yes. Senator Vargas.

VARGAS: Yes.

ASSISTANT CLERK: Voting yes. Senator Stinner.

STINNER: No.

ASSISTANT CLERK: Voting no. Senator Slama.

SLAMA: No.

ASSISTANT CLERK: Voting no. Senator Scheer.

SCHEER: No.

ASSISTANT CLERK: Voting no. Senator Quick.

QUICK: Not voting.

ASSISTANT CLERK: Not voting. Senator Pansing Brooks.

PANSING BROOKS: Yes.

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ASSISTANT CLERK: Voting yes. Senator Murman.

MURMAN: No.

ASSISTANT CLERK: Voting no. Senator Moser.

MOSER: No.

ASSISTANT CLERK: Voting no. Senator Morfeld.

MORFELD: Yes.

ASSISTANT CLERK: Voting yes. Senator McDonnell.

MCDONNELL: Yes.

ASSISTANT CLERK: Voting yes. Senator McCollister.

MCCOLLISTER: No.

ASSISTANT CLERK: Voting no. Senator Lowe.

LOWE: No.

ASSISTANT CLERK: Voting no. Senator Linehan.

LINEHAN: No.

ASSISTANT CLERK: Voting no. Senator Lindstrom.

LINDSTROM: No.

ASSISTANT CLERK: Voting no. Senator Lathrop.

LATHROP: Yes.

ASSISTANT CLERK: Voting yes. Senator La Grone.

La GRONE: No.

ASSISTANT CLERK: Voting no. Senator Kolterman.

KOLTERMAN: No.

ASSISTANT CLERK: Voting no. Senator Kolowski.

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KOLOWSKI: Yes.

ASSISTANT CLERK: Voting yes. Senator Hunt.

HUNT: Yes.

ASSISTANT CLERK: Voting yes. Senator Hughes.

HUGHES: No.

ASSISTANT CLERK: Voting no. Senator Howard.

HOWARD: Yes.

ASSISTANT CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: No.

ASSISTANT CLERK: Voting no. Senator Hilgers.

HILGERS: No.

ASSISTANT CLERK: Voting no. Senator Matt Hansen.

M. HANSEN: Yes.

ASSISTANT CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: No.

ASSISTANT CLERK: Voting no. Senator Halloran.

HALLORAN: No.

ASSISTANT CLERK: Voting no. Senator Groene.

GROENE: No.

ASSISTANT CLERK: Voting no. Senator Gragert.

GRAGERT: No.

ASSISTANT CLERK: Voting no. Senator Geist.

GEIST: No.

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ASSISTANT CLERK: Voting no. Senator Friesen.

FRIESEN: No.

ASSISTANT CLERK: Voting no. Senator Erdman.

ERDMAN: No.

ASSISTANT CLERK: Voting no. Senator Dorn.

DORN: No.

ASSISTANT CLERK: Voting no. Senator De Boer.

De BOER: No.

ASSISTANT CLERK: Voting no. Senator Crawford.

CRAWFORD: Yes.

ASSISTANT CLERK: Voting yes. Senator Clements.

CLEMENTS: No.

ASSISTANT CLERK: Voting no. Senator Chambers.

CHAMBERS: Yes.

ASSISTANT CLERK: Voting yes. Senator Cavanagh.

CAVANAUGH: Yes.

ASSISTANT CLERK: Voting yes. Senator Briese.

BRIESE: No.

ASSISTANT CLERK: Voting no. Senator Brewer.

BREWER: No.

ASSISTANT CLERK: Voting no. Senator Brandt.

BRANDT: No.

ASSISTANT CLERK: Voting no. Senator Bostelman.

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BOSTELMAN: No.

ASSISTANT CLERK: Voting no. Senator Bolz.

BOLZ: Yes.

ASSISTANT CLERK: Voting yes. Senator Blood.

BLOOD: Yes.

ASSISTANT CLERK: Voting yes. Senator Arch.

ARCH: No.

ASSISTANT CLERK: Voting no. Senator Albrecht.

ALBRECHT: No.

ASSISTANT CLERK: Voting no. The vote is 17 ayes, 31 nays, 1 present and not voting.

FOLEY: The motion is not successful. I raise the call. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. The Banking Committee reports LB775 and LB902 to General File. Senator Stinner has a motion to withdraw LB1092. That will be printed. Notice of committee hearings from the Appropriations Committee, the Executive Board, the Judiciary Committee, and the Government, Military and Veteran Affairs Committee. That's all I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. We'll now proceed to the General-- excuse me, proceed on the agenda to General File. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB347, introduced by Senator Murman and others, is a bill for an act relating to the Uniform Credentialing Act; exempts the practice of reflexology from licensure under the Massage Therapy Practice Act and repeals the original section. The bill was read for the first time on January 16 of 2019 and referred to the Health and Human Services Committee. That committee placed the bill on General File with no amendments.

FOLEY: Thank you, Mr. Clerk. Senator Murman, you're recognized to open on LB347.

MURMAN: Thank you, Mr. President. Today I'm happy to present LB347. LB347 provides that individuals engaged in the practice of reflexology, and whose services are not design-- designated or implied to be massage or massage therapy, are not required to hold a license under the Massage Therapy Act. LB347 came-- came out of the Health and Human Services Committee unopposed. This process has already been through the 407 review process, which evaluates proposals to change-- to changes in credentialing and regulation and is the Technical Review Committee, the director of Division of Public Health, and the State Board of Health. The pages have distributed the director's report from the July of 2018 on a proposal to license reflexologists separate from massage therapists. Dr. Williams mentioned that he saw no reason reflexology should not become an independent profession, separate from massage therapy. In fact, he remarked that reflexology was safely unregulated in most states. Reflexology has a very distinct scope. The practice of reflexology is the manipulation with specific pressures to hands, feet, and outer ears. The client is fully clothed, with only socks and shoes removed during their appointments. Massage therapy and reflexology are systematically different, and in this bill it states that reflexologist services are not designated or implied to be massage or massage therapy. During the hearing before the Health and Human Services Committee, there was testimony that shared the benefits of reflexology experienced by individuals during recovery periods from illness. One woman, who was a cancer survivor, shared that the practice of reflexology helped her through her journey with chemo and that her health and feeling of well-being during that time and still today continues to improve. Reflexology is an ancient practice that has helped countless people. There is no reason for a practice that has existed for centuries throughout the world to be regulated in Nebraska. Licensed massage therapists in Nebraska are required to compete at least 1,000 hours over a term of not less than nine months. Courses covering reflexology aren't required, but when taken, compromised less-- compromise [SIC] less than 5 percent of the massage therapy curriculums in this state. Reflexology is exempt from massage therapy licensing in 32 states, including four of our neighbor states: Iowa, South Dakota, Missouri, and Colorado. And the other two bordering states of Kansas and Wyoming have no massage therapy or reflexology regulations statewide. Reflexologists may work in a local chiropractic office, a spa, or in their homes. Although it is important to remember that even though this bill exempts them from massage therapy licensing, they still need to follow local business and zoning requirements when practicing. You may have-- you may have

had reflexologists from Nebraska contacting your offices recent-- recently. These reflexologists are so passionate and ready to work. They currently cannot practice in this state unless they are licensed as massage therapists. Practicing without a massage therapy license currently leaves them at risk of being charged with a felony. We need to be encouraging individuals to start businesses and create jobs, not convincing them-- convicting them with felonies for trying to earn a living. We need to work to reduce barriers for these individual-- individuals to earn a living. I have talked to a couple of my colleagues about this bill recently and I want-- and I wanted to address their concerns pertaining to licensing. It is important to remember that even though this bill exempts them from massage therapy licensing, these re--reflexologists will still need to know and follow local business and zoning requirements when they begin practicing. A good reflexologist would most likely have liability insurance to protect themselves and their customers. Many reflexologists obtain private certification through the American Reflexology Certification Board. The American Reflexology Certification Board sets high standards for testing. Due to Nebraska's rigorous massage therapy licensing requirements, our state is closing the door for reflexologists who want to work. Completing 1,000 hours of coursework at a cost of \$20,000 for an occupation that you don't practice is a costly and burden-- burdensome roadblock. The ability to work without meddlesome licenses-- licenses will help our state grow. I feel that it's important to open these doors for people to pursue the occupation of their choice. Colleagues, this bill came out 7-0 out of the Health and Human Services Committee and it's been through the 407 review process. Let's remove stringent licensing requirements and allow our work force to grow. I urge you to support LB347. Thank you.

HUGHES: Thank you, Senator Murman. Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. I rise in support of-- of this bill. I-- I sit on the Health and Human Services Committee and-- and was reflecting on what's often our job, and that's to evaluate our bills based on the public safety criteria: Do we need to regulate to ensure the safety of our population? And that's often the question we-- we see, particularly when we have what's called scope bills where-- where somebody wants to do something more or somebody wants to do something less or regulate more or regulate less. And there are times when we feel as though regulations go beyond the need to ensure the safety and simply become a burden, a barrier to our population. And that's my personal opinion on-- on where we are with reflexology, requiring it

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to be part of massage therapy licensure. There are 32 other states that exempt reflexology from massage therapy. I-- I-- I did pull up the director's report, which was Thomas Williams, M.D., who was the Chief Medical Officer at the time, and the-- the letter is dated July 30, 2018, for the 407 process. In it, the question before the review committee, the question in the 407 was whether or not to license reflexologists in Nebraska as an independent profession from massage therapy. So the question at that time was licensure: Should we license reflexologists separate from massage therapy? So the Technical Review Committee recommended against, the Board of Health recommended against, and then-- and then Dr. Williams also recommended against licensing. In-- in one of the comments that was made in the director's report, it-- the statement was made-- he made the statement: There is no evidence to indicate that licensure of reflexology service is necessary to protect the public. So the question of the 407 was licensure and the recommendation was, no, we don't need to license reflexologists separate. But then I want to read some comments from the last section where they're free to make these comments. And this is what it says: The creation of a licensed reflexology profession in Nebraska is not necessary; however, I see no reason why reflexology should not become an independent profession separate from massage therapy. So that's not addressing licensure. Dr. Williams is opining that-- that-- that it can be pulled out from massage therapy. Most states recognize reflexology as a separate and distinct profession in its own right. I see no reason why Nebraska needs to be different in this regard. Then he goes on: Given that reflexology is arguably safely unregulated in most states, no physical harm or insurance claims ever reported, for example--and again, this was July 30 of 2018-- it is difficult to justify Nebraska holding possibly the most arduous reflexology licensure requirements in the United States and requiring training and license-- licensure for massage therapy, in addition to training befitting reflexology. It is difficult to conceive of any treatment or approach more medically risk free than reflexology. So I'm back to my original comment and that was that there's times when we have to address the question of, is this an issue of public safety? I think from the report, from Dr. Williams' report, his opinion, the others' opinions that we don't need to license and that this is, as he said, is difficult to conceive of any treatment or approach more medically risk free than reflexology, I think now we're at the question of, have we imposed a barrier to the

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practice of reflexology that is unnecessary for the public safety? And I would agree with that, and so I am in support of LB347. Thank you.

HUGHES: Thank you, Senator Arch. Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. I rise with a couple of clarifications around the 407. And it's unfortunate, but un-- I'm going to have to change my vote on LB347, and I've talked with Senator Murman and he knows that. After our hearing, which was later in our session last year, we had a very quick Exec. We couldn't find any notes from it. We couldn't find anything around our discussion. And so I've spent the past couple of days reviewing the 407 and the evidence that was given to us. And upon further reflection and a complete review of our 407, I'm unable to vote for this bill, mostly because this bill asks for an exemption, and what the 407 asks-- asked was whether or not they needed a license. So the question of exemption was never touched on in the 407 that we have been given. So the issue here is, in order for something to be a profession in the state of Nebraska, you have to have a license, a certification, or a registry. And a 407 for an exemption really would have addressed all of my issues, if the 407 came back and said, hey, you need an exemption. What was asked of our 407-- which, just as a helpful reminder, there's a Technical Review Committee, a Board of Health review, and a Chief Medical Officer review. It failed all of those on licensure. They said you don't need a license, right? And I don't-- I-- I agree that 1,000 hours to be a reflexologist is ridiculous. But I am concerned that if we exempt them, then there is nothing. There is nothing to address any bad actors. There is nothing to say, hey, you can't be a reflexologist. And there's nothing to say that when I'm done in the Legislature, that I can't put out a shingle and say I'm a reflexologist, no training, nothing. And so when we think about what we ask the 407 to do and what we wanted them to do for us, we were not asked the question that's presented to us in this bill. And I'm-- and I'm really glad that I took the time to review all of the 407s. The Technical Review Committee, on the last page, page 17, does say they shouldn't be independent, they should stay under massage therapy, but there is the need for a development of rigorous educational standards for reflexology by itself. We have in the Board of Health a lot of confusion. In fact, the-- the review, the circumstances of this review are murky, unclear, and hypothetical because the initial review question was licensure. And then as they went through the four meetings of the Technical Review process, they said, well, maybe we want something else, maybe we don't, but the initial review was

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licensure and that was what they had to answer on. I'm looking at Dr. Williams' letter very differently. And mind you, I've had eight years reviewing 407s, looking at what he says. He says the creation of a licensed reflexology profession in Nebraska is not necessary. I agree. However, I see no reason why reflexology should not become an independent profession. It cannot be a profession without a license, a certificate, or a registry. Essentially, what this bill does is it says it's not a profession at all and you can sort of do whatever you want. At the bottom of Dr. Williams' letter, he says: Perhaps the Washington model previously endorsed by commentator-- commenters could provide an initial approach for future deliberations. So he is essentially recommending the Washington model, which is a certificate. OK. So essentially with LB347, it's a full exemption. Any old hooligan can become a reflexologist and tell you that they've been trained. There's no background check. There's nothing that proves for the state that you have been trained. There's no rigorous expectation of education. And so, unfortunately, in its current form, I-- I'm unable to vote for LB347. I would absolutely support an amendment that put up a registry or a certification that included the rigorous educational requirements recommended by the Technical Review Committee. I-- I absolutely think that 1,000 hours under massage therapy is ridiculous. But I think there's got to be that happy medium of the 200 hours required by their national licensing board--

HUGHES: One minute.

HOWARD: --which would just reiterate essentially the Washington model that Dr. Williams recommends to us. So I appreciate the body's time and I would not urge the adoption of LB347 in its current form today. Thank you, Mr. President.

HUGHES: Thank you, Senator Howard. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. Speaker-- or Mr. President. Fellow Senators, friends all, at this time, I unfortunately do stand against Senator Murman's bill. I was actually very glad to hear Senator Howard speak up because I did read the 407 and came to the same conclusion that she did, that it didn't appear to me that the committee was asked the right questions. And so we didn't get a really good response, a response that really helped us make better decisions. With that, I would ask that Senator Murman yield to a question or two.

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HUGHES: Senator Murman, will you yield?

MURMAN: Yes.

BLOOD: Thank you, Senator Murman. And thank you for bringing this back. I'm actually a huge fan of eliminating hurdles to employment, so I am definitely behind your cause. So I have two questions for you. One of them was, all of the states that do not require a license that you showed us on the map in the handout that you gave us, can you tell me if those states require either certification or some sort of registry?

MURMAN: Do I yield? Yes. Thank you. The map that I handed out, there's 32 states that are exempt from the massage law, and those have no specific reflexology law either, so they're totally exempt from statewide regulation.

BLOOD: So you're 100 percent sure that they're totally exempt, so they don't have to have a certificate, they don't have to have any type of registration, in addition to not having to have a license.

MURMAN: I haven't checked each state by state, but I have another list of states that shows which states have no regulation and it-- if it doesn't match up exactly with this map, it's very close.

BLOOD: OK. So--

MURMAN: And there are 32 of them.

BLOOD: So my concern isn't that we want to eliminate hurdles to employment. My concern is why we're not offering that we at least have some sort of registration so we know who is participating. Although I understand-- I do understand quite clearly what reflexology is about, if we start having people perhaps go to other people's homes, and they-- those are people that might be vulnerable, those are senior citizens-- for me, I'd like to know who's practicing and where. I'm not asking that they necessarily get a special license and have hundreds of hours of training. I think I'm in between you and Senator Howard. But I do believe in accountability and I do believe in protecting the public. That's why I like interstate compacts, because they always create that database of where we can track the people. And we know if there's a ne'er-do-well that goes to another state, we can track that they're in that other state. Can you explain to me how we

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would be able to know where these people are at, what they're doing, and who they're doing it with?

MURMAN: Yes. I-- I don't think we will be stepping forward if we go to a forced certification from statewide regulations. There are only five states, as you can see, that do that.

BLOOD: Yeah, we're not-- not forced certifications. I'm just talking about keeping track, Senator.

MURMAN: And they're-- the other 32 states have absolutely no statewide regulations, so we will not be moving forward with the way the other states are going in general if we--

BLOOD: So all of those states that don't have regulation, they also don't track them in any way, is what you're telling me.

MURMAN: Well, there's 32 states that have no statewide regulations, and I think they match up perfectly with these green states on this map.

BLOOD: So you would be against any type of amendment that perhaps would say that we would somehow keep track of them. I'm not-- again, I'm not talking about certification.

HUGHES: One minute.

BLOOD: I'm not talking about a license. I'm talking about registration.

MURMAN: Yes, there's-- as the State Medical Director stated, there's never been an insurance claim, never been anyone injured by reflexology, so I don't think we need a statewide regulation. It's an ancient art, and why would we regulate that in Nebraska?

BLOOD: Right, I agree with regulation. I'm talking about registration.

MURMAN: There-- it's just these five states that have a registration. The other states have moved away from any kind of regulation on reflexology, the other 32.

BLOOD: Thank you, Senator Murman.

MURMAN: Yep. Thank you.

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HUGHES: Thank you, Senators Blood and Senator Murman. Senator Ben Hansen, you're recognized.

B. HANSEN: Yes, thank you, Mr. President. I just wanted to kind of give a little-- I think it's a little bit in my purview about reflexology, massage therapy, little bit my wheelhouse here. So I'll explain a little bit about what reflexology is, because when you hear the term "manipulation of hands and feet," that's kind of a little bit of an ambiguous kind of term. And so what reflexologists do, and this is to Senator Howard's point about not needing as much training or as much education as a massage therapist would need, they typically almost-- they almost always deal with just the hands and the feet, like from the wrist down, from the ankles down. And the idea is there are certain kind of neurological points or certain areas, similar to acupuncture, on the hands and the feet that you can press on, that you can kind of rub on gently that would then stimulate that area, that would then trigger-- trigger some kind of neurological response or hopefully help with certain organs in the body. It's a very simple process. There's-- it's not very rigorous. It's not very-- it doesn't require you to unclothe a patient, like massage therapy does. And so I agree with what-- a lot of what Senator Arch is saying and a lot of what Senator Howard is saying is that this should not really fall under the purview of massage therapy because they do not require that much regulation, they don't require that much education. And so reflexology, in my opinion, should definitely be on-- on its own and not under the wheelhouse of massage therapy. So we tend to bring up this idea that we're-- there's-- there's concern about the safety of people, the safety of patients. And when I look at reflex-- I'm not against rules and regulations, to some extent, to make sure we protect the safety of the public. But how far do you want government to go? Do you want them to regulate everything that we do? And when it comes to reflexology, from-- from my professional standpoint, just my opinion, I feel that this is a place where government does not need to be. It's not as invasive as what we're thinking. And in the-- in the society that we live in that has Yelp, that has social media, that has Facebook, if there is something going on, if there are hooligans performing reflexology, it's going to be on social media in about an hour and everyone will know it. So sometimes we have to trust the public. Sometimes we have to trust the free market. Sometimes we have to trust them to make the right decisions. It's not completely like buyer beware. There's ideas that-- there's ways out there for the public to see what they're getting into. And so there are instances,

even under strict regulation and strict certification, such as massage therapy, where there has-- has been public safety concerns. I think there was one in Nebraska not too long ago where a massage therapist was convicted of sexual assault. Certified, regulated, it's still going to happen. And so the idea that we're trying to be so reactive-- or so proactive, we need to be a little bit careful with sometimes with government. And so I think in that-- that pertains to what-- what's going on with reflexology. And so I do support LB347. And I think if we're going to start talking about registry, I think that's a topic that we can just discuss. Think it's some-- you know, sometimes we do want to know who's doing what. But again, it's-- it's a fine line here sometimes. And re-- reflexology, it's on that fine line. So I appreciate discussion. I appreciate listening, other opinions. And I'd be curious to kind of see where this-- where this goes with this discussion. So, again, I do support LB347. I do appreciate what Senator Murman is doing here. And with that, I'll yield the rest of my time. Thank you.

HUGHES: Thank you, Senator Hansen. Senator Scheer, you're recognized.

SCHEER: Thank you, Mr. President. I rise this morning, unfortunately, to oppose LB347. Senator Hansen just got up and talked about there was maybe a lack of a need, that historically the reflexology is from the wrists and the ankles down. Who says? They're not-- they're not controlled by anybody. There's nothing in this bill that says it has to be from the wrists down or the ankles down, nor does it say I have to be trained, so I don't have to look up re-- reflexology because if it's going to be uncontrolled, I guess I can say it's whatever it is to me, because it's evidently going to be an interpretation of what you're going to do. Senator Gragert talked about-- or, excuse me, Murman talked about, well, there wasn't really a need because we have, you know, zoning. Zoning has nothing to do with licensures or even registrations. He talked about, well, the buildings and everything, you've got property coverage, you've got liability. Got news for you: You don't have liability. Professional liability is excluded under any liability policy. So, no, I guess that one's out too. You know, we talked about this being an item that has been done for 200 years. Yeah, I think we've had doctors for 200 years, but we still license them. Senator Hansen, we've had chiropractors for 200 years, and I believe he's licensed. We've had massage therapy for probably 200 years, but we still license them. When we are taking something that people are utilizing their hands and there is no requirement that it stop at the wrists or the ankles, so the full body is available to

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somebody if they choose to do that under that, and we have no way to know how much or if any training has taken place. I mean, folks, I don't have hearings in the afternoons, so I guess under this bill, if I wanted to, I can put a card above my door tomorrow and say I'm a reflexologist, come on in, in the afternoon, because I've got nothing else to do. Now, I'm going to tell you, I haven't even looked at a YouTube for this and I have no idea what it is. But we pass this, by God, I can become one that easy. I do think we have an obligation to society to protect them and their well-being. And if somebody is going to mess with your body, they at least should have some type of minimal training. I don't care-- I shouldn't say I don't care. It should be something that somebody can verify that they know what they're doing. We do that with literally everything else. You know, one could say, well, you know, I drove here today in my car, so I think, maybe in the interim this year, I'm going to be a mechanic. I don't know what any of that stuff does. Are any of you going to pull into my shop, let me tinker with your car? I doubt it. We have an obligation to protect. I'm not saying that maybe this is-- licensing is not the correct terminology, but we're really talking about semantics. There should be some obligation on the part of a person that wants to do something to the human body. You can say, well, it's just their thumbs and their hands. Well, what's massage?

HUGHES: One minute.

SCHEER: What's "chiropractory"? It's hands. So I think we have to be very careful when we start just taking things out and not finding some way that we can verify that people that are providing services to our residents in the state of Nebraska at least have a peripheral knowledge of what they're supposed to do and the dangers therein of what they could do wrong. We keep talking about simplicity. Well, yeah, maybe they would feel better. But what about the 1 in 100 or 1 in 1,000 where somebody makes a mistake because they don't know what they're doing? Then who's at fault? Thank you, Mr. President.

HUGHES: Thank you, Speaker Scheer. Those in the queue are: Chambers, Pansing Brooks, Cavanaugh, Bolz, and others. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to ask Dr. B. Hansen a question or two if he would respond.

HUGHES: Senator Hansen, will you yield?

B. HANSEN: Of course.

CHAMBERS: Senator Hansen, if we give Senator Murman what he wants, a person who wants to be a reflexologist can self-define himself or herself any way he or she chooses. Isn't that correct?

B. HANSEN: Anybody can, but, yes, they can too.

CHAMBERS: And there is no limitation in terms of which parts of the body I will put my reflexology knowledge to, is there?

B. HANSEN: If you do not do it on the hands and the feet, or sometimes the ears, you are not a reflexologist.

CHAMBERS: Where do you see that definition?

B. HANSEN: It's their purview. It's in the-- that's the-- I-- that's the definition of reflexology.

CHAMBERS: But--

B. HANSEN: It has to do with the hands and the feet and sometimes the ears. If you touch--

CHAMBERS: But there are--

B. HANSEN: --anywhere else, you're not a reflexologist.

CHAMBERS: But if that is not in the law-- is that defined in the law that way?

B. HANSEN: I'm unsure.

CHAMBERS: There is no regulation, no anything. I could self-define. Suppose I say I am a reflexologist and I can do for any part of your body what these others say they'll do with your ears and your feet and so forth, then I could do that, couldn't I?

B. HANSEN: Sure.

CHAMBERS: OK. I could say you got erectile dysfunction. I've got experts who will, through reflexology and manipulation, overcome your

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erectile dysfunction and it's reflexology. I could make that a part of my practice, couldn't I?

B. HANSEN: And you would be arrested, but yes.

CHAMBERS: How? On what basis would I be arrested?

B. HANSEN: Well, I'm assuming, depending on the places you're talking about touching, then that would be sexual assault.

CHAMBERS: Well, yeah, but it's not for the purpose of sexual arousal.

B. HANSEN: A massage therapist can't do that either, and they're under the strictest certification regulation, and so reflexologists would be the same.

CHAMBERS: And the reason you can do that with these who are regulated is because you have someplace you can go that is authoritative. And I think you would have a hard time convicting somebody in Nebraska. Suppose I say that every libidinous zone is what I deal with, with my reflexology, because we find that there is a connection between what happens in your ears and your feet to other parts of the body and, therefore, we provide the connection to all of them by starting with the ears and the feet and then all points in between. Do you see anything in any law that limits what constitutes reflexology?

B. HANSEN: I'm unsure.

CHAMBERS: It'd be a matter of opinion, more or less, wouldn't it?

B. HANSEN: Possibly, yes.

CHAMBERS: OK. Thank you. Members of the Legislature, I think we're going to run the clock on this, but I want to ask Senator Arch a question or two before I go on with my scientific discussion in medical.

HUGHES: Senator Arch, will you yield?

ARCH: Yes.

CHAMBERS: How much do I have, Mr. President, time?

HUGHES: 1:50.

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CHAMBERS: Maybe I can get something out. Senator, do-- when you were looking at this doctor's credentials, this Dr. Williams, do you feel that you'd be out of line if you questioned carefully whether his credentials are what he professes them to be?

ARCH: No.

CHAMBERS: And anybody who makes a profession should be amenable to being questioned and challenged and being willing to explain that what he or she represents himself or her as being really is true. Would you agree with that?

ARCH: Yes.

CHAMBERS: Suppose somebody wanted to say I'm Dr. So-and-so, but I'd-- I'd-- I would say, how dare you question me because I have a medical doctor's degree? What would you think of that?

ARCH: I think that would be the right of the patient to do that.

HILGERS: One minute.

CHAMBERS: But suppose the doctor was offended.

ARCH: Sometimes they are, but that's the right of the patient.

CHAMBERS: OK, now you said the purpose of the committee is to evaluate proposals that are brought before the committee, something to that effect, correct?

ARCH: Um-hum, and to-- and to review them based upon the safety of the-- of our citizens.

CHAMBERS: And if somebody brings something to the committee, they should be prepared to answer questions the committee would ask. Do you agree with that?

ARCH: Oh, certainly.

CHAMBERS: And suppose somebody brought something to the committee and they were offended because they were asked questions about what they brought. Who would be wrong, the committee for questioning or the person having submitted himself or herself to the committee?

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ARCH: I guess if the questions are pertinent and-- and appropriate, that would-- that's a-- that's proper.

CHAMBERS: Thank you. And the time is running out, so if I want to pursue it, I'll wait until I'm recognized. Thank you, Senator Arch.

HILGERS: Thank you, Senator Chambers and Senator Arch. Senator Pansing Brooks, you are recognized.

PANSING BROOKS: Thank you, Mr. President. I rise opposed to LB347. What I'm concerned about is the trafficking issues that go on. And you know that our state has worked hard to battle trafficking across our state, battle businesses that are fronts for human trafficking, and to help protect the victims of-- of trafficking. There are-- the Polaris, which is the group that is the national group that originally gave us an F rating in the state-- for the state previously in 2012, now has given us an A because of the work that we've done to protect victims. And I want to thank Senator Scheer. What he said was exactly right. There is no way to determine what is happening in those businesses if we don't have some form of ability to be able to regulate and determine what is happening in those businesses. In 2017, Polaris analyzed more than 32,000 cases of human trafficking from the National Human Trafficking Hotline and developed a classification system that identified 25 distinct types of trafficking in the United States. Trafficking related to massage parlors accounted for 2,940-- 2,949 cases, second only in prevalence to trafficking in escort services. So massage parlors is second-- are second in trafficking instances to escort services. But this data almost certainly does not represent anything close to the scope of the problem. We know from the cases that have occurred nationally, the high-profile cases, that massage parlors are exactly the type of places that we do need to take care of and watch for victimization of-- of people. And we know that the victims of trafficking are very vulnerable people, that there are over 900 attempts on-line in Nebraska. We know that this is an issue-- there are 900 attempts to get trafficking services in this state-- and that massage parlors are just one of the businesses. We have a letter that Brian [SIC] Cudly sent talking about an illicit-- illicit business in downtown Fremont that should be a catalyst. And he [SIC] goes on to talk about the fact that Washington State deregulated reflexology in 2002. And Section 1 of the bill is extremely telling of the situation in Washington State. Foot spas were covers for illicit-- illicit business and human trafficking and they started popping up all over the state and because of that, in 2013, they passed a law to

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require licensure again. So to go backwards seems crazy. Nebraska-- Nevada was also rampant with illicit businesses masquerading in re-- as reflexology businesses prior to the regulation, and when they passed the law, Clark County alone had about 100 of the facilities shut down. So, yeah, we want business in our state. We want business to thrive. But we do not need illicit fronts for human trafficking to thrive in this state. North Carolina has such an overwhelming issue with unregulated reflexology businesses that they have a name for it, "illicit touch business," with regulatory board, antitrafficking organizations, and law enforcement working together to pass a bill to regulate reflexology. So again, my friends, it sounds good. We should stay-- we shouldn't regulate everybody. We've got to just have a free world. Well, we know that presenting the ability for traffickers to come in and do whatever they want, whenever they want, under whatever guise that they want to call it--

HILGERS: One minute.

PANSING BROOKS: --is not appropriate. We are not protecting our most vulnerable in this state. We are acting contrary to the work that we have done as a state to protect victims of human trafficking. And, you know, there-- there is an article that was also passed out by USA Today: Sex trafficking is behind the lucrative illicit massage business and why police cannot stop it. So Polaris estimated 9,000 illicit massage parlors operate in the U.S., based on reviews of Rubmaps, a Yelp for sex spas, bringing in \$2.5 million [SIC] a year. If that's the kind of money we want, the kind of business growth we want, it's not what I want. Police Chief Tomas Sanchez in this article said: We will continue to crack down on these types of businesses, which are used for fronts for prostitution and trafficking. These massage policy-- parlors bring other criminal activities, including human and sex trafficking, drug sales, and money laundering. So I stand opposed--

HILGERS: Time, Senator.

PANSING BROOKS: --to LB347. Thank you, Mr. President.

HILGERS: Thank you, Senator Pansing Brooks. Senator Morfeld would like to welcome 18 college students and one teacher from the University of Nebraska at Lincoln. They are seated in the north balcony. Please rise

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and be recognized by your Nebraska Legislature. Continuing debate on LB347, Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. So I am one of the members of the Health and Human Services Committee that voted this bill out of committee, and I am standing here before you a little bit with my head between-- or my tail between my legs. I made a mistake in voting for this. I do support reflexology. It's a great practice. It's-- I have had reflexology done before, especially when I was pregnant, and it was very, very helpful. So I support the reflexologists and what they're trying to accomplish. But I made a mistake in voting this out of committee without an amendment that would have required certification and a registry of some sort, as was recommended by the Chief Medical Officer in the notes. The Washington model, which we've heard about, is a great recommendation. And if we were to amend it to reflect that recommendation, I would be in support of this bill, because I do agree that the licensure that we have for massage therapists is more extensive and exhaustive than what reflexology requires as a practice. But I share the concerns that have been stated here, especially around human trafficking, that this is not the best way to carry for the-- forward the practice of reflexology. And if you had heard from the reflexologists who came and testified, you would never in a million years associate them in your mind with human trafficking. But that doesn't mean that they're the only ones that would be practicing this if we were to completely deregulate it. So unfortunately, I will be changing my vote from what I voted in committee, and I have already spoken with Senator Murman about this. It's not something that I do lightly and I-- when I'm wrong, I'm wrong and I say so. So I apologize to the body and to Senator Murman again, because I will not be voting for LB347 as it is right now. And if it is amended, I will definitely be considering it. Thank you.

HILGERS: Thank you, Senator Cavanaugh. Senator Bolz, you are recognized.

BOLZ: Thank you, Mr. President. And I echo the comments today made in favor of reflex-- reflexologists. I know they do good work that help make-- makes people feel better. But I do have a question for Senator Murman, if he would yield.

HILGERS: Senator Murman, would you yield?

MURMAN: Yes.

BOLZ: Thank you, Senator. I know you and I both share a concern and a sense of responsibility for vulnerable populations, like folks with disabilities. I think some of-- some folks with medical conditions or people with disabilities might be most interested in getting some of the treatments offered by reflexologists to make them feel better. At the same time, those are vulnerable populations. Those are populations that sometimes are desperate for relief or need more support or don't have the same decision-making capabilities as others. In other words, it may be more difficult for certain populations who would use reflexologists, in particular, to be good consumers. And so what I'm trying to understand is, under what you're proposing, how would vulnerable consumers be able to trust reflexologists or have their interests protected?

MURMAN: Well, thank you. There's-- there's never been an insurance claim or a claim of harm from reflexology, but I do understand how that's a possibility. Of course, that's a possibility whether they're registered or not or-- or licensed or not, but thanks a lot.

BOLZ: But wouldn't-- wouldn't licensure provide oversight and provide an opportunity for someone to report a bad actor?

MURMAN: Well, that would be a law enforcement issue. It could be reported or would be reported, whether they were licensed or not, I would hope.

BOLZ: But only if it reaches a level of abuse or harm, not just malpractice, right?

MURMAN: Well, there's--

BOLZ: I--

MURMAN: I mean, reflexology is an ancient art. It's been around for centuries. You can't be injured by reflexology.

BOLZ: I-- I think my concern is that-- that if there isn't oversight and licensure, there are bad actors who might prey on vulnerable populations and might-- might actually hurt someone or take advantage of someone, you know, in addition to--- to the-- the practicing the art. There's also the potential for financial exploitation if-- if there isn't an oversight mechanism. And again, I'm-- I'm not making

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any accusations against reflexologists. I think they do good and important work. But what I am arguing is that there should be appropriate oversight mechanisms, you know, appropriate levels of trust so that consumers, when purchasing a service, can-- can have some confidence that-- that that is a person who is acting in their best interests. So I-- I remain somewhat concerned by LB347 and will continue to listen to the debate. Thank you for answering my questions, Senator Murman.

MURMAN: Thank you.

HILGERS: Thank you, Senator Bolz and Senator Murman. Senator Walz, you are recognized.

WALZ: Thank you. Is this mine? OK, thank you. I'm also a committee member of the Health and Human Services Committee, and I'm afraid that I am going to have to vote against LB347, even though it was something that I supported in committee and it's something that I would not ordinarily do. But I really rely on the 407 process because I'm not an expert in this-- on this issue. I've heard from many people in my district who have some concerns and are just not comfortable with total exemption. So from what I understand during the hearing-- I was absent and did not fully understand all the concerns of the 407. In the application, when the application was submitted for the 407 proposing reflexology to be removed from-- I'm sorry, I am-- proposing that reflexology be removed from the massage therapy scope of practice, there was also a question or something added during that process that the applicant group decided to seek a separate license, which is where my confusion came from. And as an outcome of that addition, the Technical Review Board, the Board of Health, the Director of Public Health all recommended then against the approval of the applicant's proposal. Again, because the 407 is something that I rely on, because I'm not an expert in this issue, I'm going to have to vote against LB347. Thank you.

HILGERS: Thank you, Senator Walz. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Senator Murman would move to amend the bill with AM2146.

HILGERS: Senator Murman, you are recognized to open on your amendment.

MURMAN: Thank you, Mr. President. Well, after talking to my colleagues, and especially those on the Health and Human Services

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Committee and-- and all of those that have concerned about-- concerns about the bill, I dropped this, this amendment. And what the amendment does is allows for a registration of reflexologists. And we will work together, especially those on the committee and those that have concerns about the bill will work together, to do what we need to do to advance past the next level. So I would appreciate your support on-- at this level. And I would yield the rest of my time to Senator Howard to explain further about what we're planning on doing in the Health and Human Services Committee.

HILGERS: Senator Howard, 9:00.

HOWARD: Thank you, Mr. President. So essentially what this amendment does, and I-- when I had originally read through the 407 and knew I had to change my vote, I went to Senator Murman and said, I do think that you need to have some sort of middle-of-the-road amendment ready to address the certification/registry issue, because while I agree that they shouldn't be under the Massage Therapy Act with 1,000 hours, an exemption is inappropriate, which was what LB347 had. So essentially this is a registry. And what it's missing and what we've agreed to fix between now and Select is the additional educational requirements. So a registry would define their scope as only touching ears, feet, and hands, and it would ensure that nobody can practice reflexology without being a part of the registry. It also means that if you're a bad actor, you can sort of be removed from the registry and you would no longer be able to practice reflexology in the state of Nebraska. So I wholeheartedly support this amendment. We will have to fix it a little bit on Select. So I would urge its adoption on the floor today, and then with the amendment, I would urge the adoption of LB347. Thank you, Mr. President.

HILGERS: Thank you, Senator Murman and Senator Howard. Mr. Clerk for a motion.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 22.

HILGERS: Senator Chambers, you are recognized to open on your motion.

CHAMBERS: Thank you. Mr. President, we're getting into the part of the session now where you're playing the game that I know how to play. I talked about the other day a slogan, "Remember the Maine," and most of you may not know what that refers to, but you ought to check it out. A

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certain action had taken place and it resulted in some bad action taking place because of it. The Maine-- I would like to ask a certain Senator who's looking at me if he'd answer a question, and if he would stand, then it'll be clear who I'm asking to yield.

HILGERS: Senator Dorn, would yield to a question?

DORN: Yes, I will.

CHAMBERS: Thank you. And do you see how the Speaker was able to put things together, based on the description, to come up with the exact thing I'm talking about? Senator Dorn, what does the word "Maine" refer to in that expression, "Remember the Maine"?

DORN: I-- I-- I can maybe get a concept at re-- remember the main part of what we're talking about.

CHAMBERS: Oh, thank you. That's not quite right, but that's close.

DORN: OK.

CHAMBERS: Thank you. I would like to ask the tall gentleman behind me, whose father lived to be 100 years old, and his son would be-- do well to watch himself so that he can reach that age too, and that person's name is Senator Clements. I would like to see if he would yield to a question.

HILGERS: Senator Clements, would you yield?

CLEMENTS: Yes.

CHAMBERS: Senator Clements, first of all, am I correct about the age your father recently reached?

CLEMENTS: You're correct.

CHAMBERS: Now did you carry my instructions to him that he'd better keep running hard because somebody is on his trail, myself mainly-- namely?

CLEMENTS: I did tell him that you were glad to know someone was older than you are.

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CHAMBERS: Thank you, and is an example for me. Now you've heard me use the expression "Remember the Maine," correct?

CLEMENTS: Yes, I have.

CHAMBERS: And do you have an idea of what that term refers to?

CLEMENTS: I believe the Maine was a ship that was sunk in a battle, but I'm not really-- don't recall the battle.

CHAMBERS: And a war resulted from that sinking of the Maine.

CLEMENTS: Yes.

CHAMBERS: Thank you. I said the other day, "Remember the Maine." A ship was sunk, although there are questions as to whether or not America had something to do with sinking that ship in order to get a war going that America wanted, and America is not above doing things like that, but that's a side issue. I said that when we reach a certain type of bill and I think it should be sunk, "Remember the Maine" is the expression, but I will say, "Remember Pansing Brooks." You all ran the clock on a very important bill that she had that would mandate legal representation to juveniles throughout the state and you all ran the clock on it anyway. On this bill, "Remember Pansing Brooks." I am prepared to run the clock on this myself. I don't think the bill has that much merit anyway. I have not heard any explanations that would justify changing the current law. One thing that turns me against it is that it's the Platte Institute pushing this. They've got a yokel named Vokal on the Platte Institute who used to be on the city council. The people in my community, the black community, wanted to name a small park, about a half-block square within a block of my house, after me and another neighborhood activist. Vokal led the opposition and said that, since I'm anti-Catholic, anti-white, anti-Republican, they should not name anything after me. And they did not do that, even though members from the community went down and appealed to the city council; they went to the planning board, who agreed with it. But then mayor agreed with it. Some former politicians agreed with it. A former U.S. official agreed with it. But yokel, the Vokal-- or Vokal, the yokel, said no. Now I don't need those things and I told my community members, don't go down there and let that racist insult you all, it shouldn't take all of this to get done what you want to do. The park is so close to my house that if Venus Williams hit a tennis ball as hard as she could from my front yard, it

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would go beyond where that park was located. "Yokel" Vokal had never been there. I wonder, while we're talking about naming things, if he, with his Platte Institute and what he has done, has ever been given by Who's Who-- Marquis Who's Who, famous-around-the-world citizen-- let me see, what was it-- of the year award. That's what they gave me for 2019, person of the year. Vokal doesn't have that. I don't know if any politician in Nebraska ever had that. But I got it and I got the big plaque that they gave me, a big piece of very expensive-looking wood with a plastic-like, plexiglass cover, and then the certificate underneath it-- of the year. There is a multi-million dollar edifice or structure in Omaha which is on the national registry, and there was recently a fire there, and they're going to spend \$8 million-- I think it might take something like that-- and that was named after me. And here this racist is going to say, because white people control things in the black community, that that small park would not be named in my neighborhood after me when that's what the community members wanted. With his arrogance, with his racism, with his-- with his pretended, or actually believed, importance, when something from the Platte Institute comes here, you all get ready for me to run the clock on it here. And if they bring anything you don't like, you tell me, Ernie, "Remember the Maine," "Remember Pansing Brooks," remember Vokal and the little park, and I will run the clock on it myself. And this is a short session and I'm not short-winded. I can go on and on and on. My theme song, as I suggested the other day, is "Old Man River." I indeed am old and I'll just keep running along. I don't know how to do anything other than that. I don't know how to quit. You cannot even dam me, d-a-m. You can use it the other way, using God's last name, which I'd never use. But you can do that. But you cannot stop me. And this bill is going to be the first in a series that I am going to run the clock on. Now any senator who has such a bill can say he or she will get 33 votes, but you're not going to be able to ask for cloture before I run the clock the first time. Then the senators that you want to put it back on there will have to consider whether they've got bills that they want. And then I'll look at the list of those who said put that bad puppy on-- back on the agenda, and then I will use some of Sherlock Holmes's ability and I will track that name to a bill, and then that bill will go on my list. And here's what you'll say. I like to sing. I can't sing. When I'm sad, I sing, then the whole world is sad with me. I'll have this piece of paper, and this is what you will sing: He's making a list, checking it twice, he's going to find out who's naughty and nice, Ernie Chambers is running the town. And if you

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think I won't do it, test me. I would like that challenge. And you all will see if I'm just a bag of wind, 82 years old--

HILGERS: One minute.

CHAMBERS: --stand up to intimidate you because none of you can stand up that long. And in fact, I can even go-- let-- watch me go out of sight. Now anybody can go along with the law of gravity and go down. But then can you break the law of gravity, defy it and stand up, and do that about 25 times? The only reason I'm not going to do it now, I don't want to show off and embarrass these youngsters around here. I had somebody who thought they could do it because they saw me do it and their knees started popping and cracking and they couldn't even get back up. They thought, because I am so old, if I can do it, they've got to be able to do it. But here's the way Mother Nature works. Mother Nature gives you talents, abilities, and whatnot. But if something is unused, Mother Nature is going to make it become unuseful.

HILGERS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

HILGERS: Thank you, Senator Clements, Dorn, and Senator Chambers. Debate is now open on the bracket motion. Senator Blood, you are recognized.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I stand opposed to Senator Chambers' bracket, possibly in support of the amendment, but not in support of the bill as written. With that, I would ask that Senator Murman would please yield to a few more questions.

HILGERS: Senator Murman, would you yield?

MURMAN: Yes.

BLOOD: How you holding up, Senator?

MURMAN: Fine.

BLOOD: All right. Good. So you brought forward the amendment in reference to the registry, which is what we had talked about the first time you and I spoke today. Correct?

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MURMAN: Yes.

BLOOD: Can I ask why you didn't consider that before?

MURMAN: Well, I didn't consider it before because I don't think we need a-- actually don't need a certification for reflexologists. Like I said, it's an ancient art. It's been-- been used since China.

BLOOD: Ok. We're not talking certification, Senator. We're talking registry.

MURMAN: Right. But I don't think we need any regulation on it because, you know--

BLOOD: How-- how is registry a regulation? Keeping track of something, how is that a regulation?

MURMAN: Well, the--

BLOOD: What are we telling them they have to do besides sign on a list?

MURMAN: That-- a list is a requirement. I mean, typically there will be a fee with getting on the list. And that's-- that's just another hurdle that reflexologists would have to jump through, and I don't see a lot of positives from doing that.

BLOOD: OK. So I'm very familiar with reflexology. It's been around for centuries and I-- I actually believe in alternative medicine, which, of course, this one is. But some of the concerns I have that I hope you can address, so you feel reflexology is-- is not dangerous in any form, and you've already quoted the-- the statement about insurance, but what about people with active blood clots that receive reflexology? Is that dangerous for them?

MURMAN: Excuse me? What kind of reflexology?

BLOOD: Somebody who has active blood clots.

MURMAN: With active blood clots? That's certainly a contra-- contradiction [SIC] of reflexology, yes

BLOOD: A contradiction, you mean you-- you wouldn't recommend somebody get--

MURMAN: Contraindication, I think, yeah.

BLOOD: OK. Vascular problems?

MURMAN: Yes. Those are all contrain--

BLOOD: Women that are pregnant that might accidentally go into labor, because that has been known to happen with reflexology?

MURMAN: That's a possible contraindication.

BLOOD: So if indeed those things are-- happen, shame on the victims, shame on the reflexologist?

MURMAN: Well, as I said earlier, I don't think the state, by requiring a registry, would prevent those kinds of things.

BLOOD: But certainly track it.

MURMAN: The-- the consumer, you know, has to have responsibility to probably Google the reflexologist or-- you know, unless they know them personally or something, to check them out.

BLOOD: All right. So-- so I question that. So one of the things, the concerns that I know that Pansing Brooks also brought up and I brought up is-- is that I have concerns for people who are homebound. I have concerns for people who have disabilities. I have concern for our elderly that aren't going to go and Google something if they're told that it's going to help relieve their pain. They're trying to get off OxyContin. They're trying to find ways to feel better. My concern is, how-- how do we track when something like that does happen? And I'm not questioning-- I'm not saying licensing. I'm not saying certification. I'm talking about how do we track that, and to say that it's something very simple and doesn't need to be tracked, I've already brought up three really good examples of where reflexology can be dangerous.

HILGERS: One minute.

MURMAN: Of course, participating in athletics in some of those conditions or all of those conditions, certain athletics would be dangerous too. Should we have some kind of a registry of, you know, sports games?

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BLOOD: I-- I-- I don't see the correlation.

MURMAN: Well--

BLOOD: So I-- again, if it was the team doctor and the team doctor knew that massaging-- and I know we're not talking about massage, but since you brought this up, massaging a leg that's been injured could cause a blood clot to break away and cause a PE, that doctor should be held accountable. And I don't know. I assume that doctor is licensed and that doctor is tracked here in Nebraska. Would that not be correct?

MURMAN: Yes, that's a doctor, not a reflexologist. A reflexologist is an ancient art, as I've said many times.

BLOOD: Yes. I'm very familiar with what reflexology does. Thank you. Again, the question is, and I-- I kind of want you to mull this over, is, how do we track when something serious does happen? If we want to go back to the Wild West, I don't disagree. I'm just saying we got to make sure that there's protection.

HILGERS: Time, Senator.

BLOOD: Thank you.

HILGERS: Thank you, Senator Murman and Senator Blood. Senator Williams, you are recognized.

WILLIAMS: Thank you, Mr. President, and good morning. And Senator Chambers talking about bending over and creaky knees reminds me of the elevator slogan, Senator Chambers, the slogan of the elevator company: Good to the last drop. [LAUGHTER] Just wanted to be sure you got that. I'm also a member of the Health and Human Services Committee. I sincerely appreciate the work that Senator Murman has done on this, and in particular his work to introduce AM2146 in conjunction with working with Senator Howard, Chairman of the committee. It clearly brings the bill into a position where I can support it. I know there will need to be some minor fixes during Select File. For those of you that don't serve on HHS, one of the most difficult things we deal with are scope-of-practice pieces of legislation. Most of us are not professionals in the healthcare or barbers or cosmetologists or massage therapists, psychologists, psychiatrists, ophthalmologists, optometrists. All of those things come to us, and foremost in my mind when I look at those things is protecting public safety. That's why

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the government does get involved in certain cases. That's why the 407 process, that Senator Howard very capably explained, is critically important to me in my decision. With that, I would encourage everyone to support the amendment presented by Senator Murman and then vote in favor of the bill and, of course, vote red on that bracket motion up there. With that, I would yield the balance of my time to Senator Ben Hansen.

HILGERS: Senator Hansen, 3:00.

B. HANSEN: Thank you, Senator Williams. I am opposed to the bracket motion from Senator Chambers and in the-- the notion of good willingness and it seems like everyone's coming to cooperation about this bill. And I don't know if people knew, but this month I found out this month is national "It's OK to Be Different" month. I didn't know that. And so I thought I would just share with my remaining time, since I know Senator Chambers is probably going to take up the rest of it anyway, about how Senator Chambers and I are a little different. One of-- and it's just some of the stuff he's talked about recently. One of the things, a little more serious, is the term "zygote" and "fetus" and how I feel it's different compared to him, because once a child is born, then it becomes an infant, you know, a toddler, adolescent, teen, adult, elderly, you know, Keith Richards. And so that's one of our differences. Another one is, I think, our difference in Shakespeare. He brought that up recently. I don't know what is up with Shakespeare. I just don't like it. It ruined English for me when I was in high school. I don't know if it's the syntax or the garbled words he uses, but I know Senator Chambers appreciates Shakespeare and enjoys it. However, I don't. I have a hard time reading it, and I think that fundamentally ruined my freshman English class for me. One thing that we do agree on, again, in the spirit of cooperation, that he talked about yesterday was TIF, tack-- tax increment financing. I believe it's been overused and I think it's been overused by a lot of government entities recently and not used in the right way, so it'd be nice if somebody eventually would bring up a TIF bill that would kind of correct a lot of that stuff. Also, one thing that we did agree on, and I'm glad to hear he listened to me last year, was the tag on the back of his shirt. I noticed today there's no tag. Like myself, it's something we agree on today, anyway, so I appreciate him tucking his tag in the back of his shirt-- just some observations, again, in the spirit of cooperation. I do support the bill. I do support the amendment that Senator Murman has worked on--

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HILGERS: One minute.

B. HANSEN: --and has come in cooperation with. And so I'm encouraged. I want to vote for this through General File to get some more work on it for Select File. Thank you very much.

HILGERS: Thank you, Senator Hansen and Senator Williams. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Motion to be printed: Senator Wayne re-referring LB1046 to the Revenue Committee. Notice of committee hearings from the Judiciary Committee, as well as notice of committee hearings from the Banking, Commerce and Insurance Committee. LR306, introduced by Senator Wishart, that'll be read and laid over. Pursuant to that, a letter from the Speaker referring LR306 to the Reference Committee for referral to the appropriate standing committee. Finally, a series of name adds: Matt Hansen to LB518; Senator Briese to LB518; Senator Crawford to LB748; Senator Williams to LB825. Senator Walz to LB825; Senator McCollister to LB1181; Senator McCollister to LB1191; and Senator Briese to LB1201. Finally, Mr. President, Senator Bolz would move to adjourn the body until Wednesday, January 29, 2020, at 9:00 a.m.

HILGERS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. Motion carries. We are adjourned.